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THE

TRIAL

Of the Right Honourable

Lord George Sackville,

AT

A COURT-MARTIAL

Held at the *Horſe-Guards*, *February* 29, 1760,

FOR

An ENQUIRY into his CONDUCT,

Being charged with *Diſobedience of Orders*, while he commanded the *Britiſh* Horſe in *Germany*.

Together with

His Lordſhip's DEFENCE.

LONDON:

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A LIST *of* WITNESSES, *in Alphabetical Order.*

Names.	Page.	Day's Sitting.
Biſſet, *Lieut.* Robert	96	7th
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Broome, *Capt.*	163	10th
———	165	11th
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Derenthall, *Mr.*	51	5th
———	220	15th
Fitzroy, *Col.*	23	3d
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Granby, *Lord*	60	5th
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Hotham, *Col.*	1	2d
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Johnſton, *Col.*	8	2d
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Names.	Page.	Day's ſitting.
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———	219	14th
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Stubbs, *Capt.*	4	2d
———	218	14th
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Williams, *Capt.* David	110	8th
———	220	15th
Whiteford, *Lieut.*	252	17th

HORSE-

HORSE-GUARDS, *Feb.* 29, 1760,

At a COURT-MARTIAL there held.

PRESENT,

General *Onſlow*, Preſident.

Lt. Generals Sir *Ch. Howard*,
Campbell,
Lord *Delaware*,
Cholmondeley,
Stuart,
Earls of *Panmure*,
Ancram,

Earls of *Harrington*,
Abercrombie,
Albemarle,
Maj. Generals *Leighton*,
Carr,
Earl of *Effingham*,
Belford,

Charles Gould, Judge Advocate.

Lord *George Sackville* ordered into Court.

Judge Advocate, to Lord *George Sackville*.

MY Lord, the occaſion of the Court's deſiring your attendance now, is in conſequence of a letter they received from your Lordſhip. They have ſworn all the Members, except General *Belford*, againſt whom you ſay you have an objection to make; therefore they have not ſworn him, but are ready to hear any thing your Lordſhip has to offer.

L. *G. Sackville.* Sir, the reaſon why I made this application to the Court was, that when I firſt received the Liſt, I was informed, that every General who could ſuſpect himſelf in the leaſt degree biaſſed or prejudiced, had, of themſelves made the objection to their ſitting in judgment upon me.

Lord *Ligonier*, upon my ſending to him, upon this occaſion, ſaid he well remembered that there had been ſome difference between us; but, that he knew I had ſince conferred ſuch obligations upon Gen. *Belford*, that he did not ſuſpect that there cou'd be the leaſt objection

to

to his ſitting upon my trial. The fact was this: when I firſt was appointed Lieutenant General to the Ordnance, the Duke of *Marlborough* ordered me to take the care of the artillery regiment upon me, as being one part of my duty. I repreſented to his Grace, that I underſtood when Lord *Ligonier* was Lieutenant General of the Ordnance, the care of the regiment was left entirely to the Colonel Commandant; the Duke of *Marlborough* ſaid, that he could not in decency have deſired my Lord *Ligonier*, who was his ſuperior in the army, and had for many years been at the head of the Ordnance, to enter into ſuch a regimental detail, but that he had no ſcruple in deſiring me to do that part of my duty, and to report regularly to him. I expreſſed my readineſs to obey, but ſaid, that, previous to my undertaking it, his Grace muſt give the proper orders for recalling that power which was at preſent in Gen. *Belford*, as Colonel Commandant. It was accordingly done; and when I began to execute my Duty, Gen. *Belford* expreſſed his diſapprobation of it, thinking any diminution of his authority might be looked upon as ſome degree of diſapprobation of his conduct. I explain'd to him what had paſſed upon the ſubject between the Maſter General and me, and he appeared better ſatisfied; and as I afterwards had an opportunity of repreſenting his ſervices ſo favourably to his Majeſty as to obtain a conſiderable increaſe of emolument to him, I did imagine any little difference that had happened had entirely been forgot; but perſons in my ſituation are apt to watch little attentions which at other times would be too trifling to regard, and as, upon my return to *England*, Gen. *Belford* was the only Field Officer of the regiment, with whom I was acquainted, that did not ſhew me even the common civility of a viſit, and as the firſt act he did, after my quitting the ſervice, was recommending another Aid de Camp to my Lord *Granby*, in preference to the artillery officer who had attended me in that capacity, I confeſs theſe circumſtances induced me to think, that Gen. *Belford* ſtill retained ſome degree of ill-will towards me, and tho' I am far from ſuſpecting that he would knowingly permit his judgment to be in the leaſt influenced

fluenced by ſuch conſiderations, yet as there is ſuch a biaſs in the minds of men when there is any prejudice in their Breaſts, that it often affects their actions, unknown to themſelves, I ſhould hope the General would decline ſitting upon this trial; I do not offer what I have ſaid as a legal objection, but rather ſubmit my reaſons to the Court and to him for their conſideration.

Gen. *Belford.* So far as relates to my ſitting here, I muſt ſay, that I did not deſire to ſit as I was objected to; I only deſired to know what the objection was. If I had thought of ſitting, I ſhould have come in the proper dreſs. As to recommending an Aid de Camp to Lord *Granby*, I did not know that Lord *George Sackville* had recommended any.

[Then all parties were ordered to withdraw, and ſoon after were called in again.

Judge Advo. Lord *George Sackville*, I have the directions of the Court to acquaint you, that they have taken into conſideration what you mentioned about Gen. *Belford.* The Court are thereupon unanimouſly of opinion, that the objection made by your Lordſhip to Gen. *Belford*'s ſitting, is not ſufficient to exclude him from ſitting as a member; but he ſtill continuing to excuſe himſelf from ſitting, the Court have agreed to it, and have directed it to ſtand upon their minutes for his Majeſty's information as the reaſon why he does not ſit.

His Majeſty's warrant to try Lord George Sackville *read, dated* January 26, 1760.

Reciting the King's orders to Lord *George*, requiring his Lordſhip to obey ſuch orders as ſhould be given him by Prince *Ferdinand*, or ſuch perſon as ſhould be appointed Commander in Chief of the Allied Army. That his Majeſty had received information, that L. *G. Sackville* had diſobeyed orders given him by Prince *Ferdinand*, and that his Majeſty had thought fit to inquire into his conduct at a general Court-martial; therefore wills and requires that a general Court-martial be ſummoned, whereof Gen. *Onſlow* to be Preſident.

L. *Albemarle.* Sir, I deſire to aſk Lord *George Sackville* whether he has any military employ, any commiſſion?

L. *G.*

L. *G. Sadkville.* I have none.

Lord Barrington's *letter to Lord* George Sackville, *dated* September 10, 1759, *read.*

Judge Advo. I have no inſtructions, on behalf of the Crown, to make any objection on that head.

L. *G. Sackville.* Sir, I applied to the Crown for a trial, in order to have my conduct inquired into. The lawyers were of opinion that I was anſwerable and liable to a trial. I can have no objection.

Judge Adv. Sir, It is my province to examine the witneſſes to prove the charge. The order recites, that Lord *George Sackville* was to take his orders from Prince *Ferdinand*, and that notwithſtanding that, he had diſobeyed them. That is the charge I am inſtructed to inſiſt upon, and I propoſe to confine it to ſuch orders as he received, relative to the battle of *Minden.*

L. *G. Sackville.* To the day of the battle?

Judge Advo. Relative to it.

L. *G. Sackville.* Relative to it though preceding?

Judge Advo. Yes.

[Then all parties were ordered to withdraw. Afterwards the Court adjourned till *Thurſday* morning next ten of the clock.

HORSE-GUARDS, *March* 7, 1760,

At a COURT-MARTIAL there held.

Second Day's Sitting, on the Tryal of L^d. *George Sackville.*

PRESENT,

The Honourable Sir *Charles Howard*, Preſident.

Lieut. Generals *Campbell*, *Abercrombie*,
Lord *Delaware*, Earl of *Albemarle*,
Cholmondely, Maj. Generals *Leighton*,
Stewart, Lord *Rob. Manners*,
Earl of *Panmure*, *Carr*,
Earl of *Ancram*, Earl of *Effingham*,
Earl of *Harrington*, Lord *Robert Bertie*,
Cæſar.

Preſident, to Lord *George Sackville.*

GENERAL *Onſlow* being taken ill, there is a new warrant to hold the Court-martial.

Warrant read, dated, 6th of *March*, 1760, appointing Sir *Charles Howard* Preſident, in the room of General *Onſlow*, and appointing the above Generals, with others, to hold the Court-martial, which is to conſiſt of Sir *Charles Howard* and the others therein named, or any twelve of them.

Mr. *Larpent* called.

Judge Advocate. He is called to prove Lord *George Sackville*'s commiſſion and inſtructions.

Lord *G. Sackville.* I admit them.

Commiſſion read. Inſtructions read.

Evidence for the Crown.

Colonel *Hotham* ſworn.

Judge Advo. In your department as Adjutant General, pleaſe to inform the court, whether you remember any orders, that were given on the 29th of *July*, for the

general officers, to make themſelves acquainted with the ground.

A. The orders given on the 29th were theſe: The regiments to make immediately the neceſſary overtures and communications, that they may be able to march in front without any impediment. The Generals will take particular notice of the nine *Debouchers*, by which the army may advance to form in the Plain of *Minden*; that they may be well acquainted with them, ſhould the army be ordered to advance: That is all, relative to the battle.

Q. Pleaſe to inform the Court, whether you remember any orders on the 31ſt of *July* in the evening.

A. I do. *(Witneſs reads from his memorandums.)* On the 31ſt in the evening I received an after-order.

Q. At what time in the evening?

A. I think about ſix. They came to the line about ſix.

Q. On what day?

A. The 31ſt.—— His Serene Highneſs orders, that, at one o'clock to-morrow morning, the army ſhall be ready to march; the cavalry muſt be ſaddled, the artillery-horſes harnaſſed, and the infantry gatered. But the tents are not to be ſtruck, nor the troops under arms till farther orders. That was the order I ſent to the lines.

There was another part of it relative to my Lord *George* only, which I immediately ſhewed to his Lordſhip, together with thoſe I have recited, upon his return from the advanced pickets where he had been detached. The purport of it was, that his Serene Highneſs deſired the Generals, leading in columns, according to the diſpoſition given that day, would make themſelves acquainted with the avenues leading from the camp. That is, the march of the columns from the camp, as well as the ground in front. I do not poſitively recollect, whether the poſition the army ſhould then take, was mentioned or not.

This, to the beſt of my remembrance, is the ſubſtance of that order.

Priſ.

Preſi. Lord *George Sackville*, have you any queſtions to aſk Col. *Hotham?*

L. *G. Sackville.* It may be more proper for me to aſk queſtions of Col. *Hotham* when I come upon my defence.

Preſi. What relates to this, aſk him now.

L. *G. Sackville.* Do you recollect, whether any thing was mentioned of the line of battle, the place where the army was to be poſted in line of battle? recollect it if you can.

A. I do not poſitively recollect whether there was, or not.

L. *Albemarle.* Can you inform the Court what the diſpoſition of the march was, as well the 31ſt, as the 29th?

A. The diſpoſition of the march I have in my pocket.

Q. Have you the diſpoſition of the march on the 29th?

A. No. I do not recollect whether there was any.

L. *G. Sackville:* There was none, I believe.

Q. Do the orders of the 31ſt refer to the diſpoſition you ſpeak of?

A. The diſpoſition of the 31ſt was given out. The after-order was given after I received that diſpoſition. That was nothing more than the ranging of the army in order of Battle, in caſe Prince *Ferdinand* ſhould think fit to order the army to advance, or the enemy had advanced upon us.

Diſpoſition produced.

Preſi. It ought to be laid before the Court.

L. *G. Sackville.* It is only the names of the regiments. How they were to march going to the right or left. The whole intention of it was, that they were to march in eight columns. It is a very long thing. That is the ſubſtance of it.

Preſi. How long was you in that camp before?

A. We arrived at the camp the 29th, I think.

Q. What diſtance was the camp, from whence you marched on the 31ſt, from the field of battle?

A. I cannot really aſcertain the exact diſtance.

Q. From your camp to the field of Battle?

A. I ſhould ſuppoſe, compleatly four Miles to the village of *Halen*. I cannot take upon me exactly to aſcertain the diſtance. It may be a little more or leſs.

L. *G. Sackville.* At what time of the day were the orders iſſued on the 29th.

A. I do not recollect.

Q. Was it not after the buſineſs of the day was over?

A. The orders on the 29th. were given, undoubtedly, after the arrival of the troops to that ground; the army marched on the 29th, and upon the troops arrival at the ground the orders were given.

Q. At what time did they arrive at the ground?

A. I cannot ſay.

Q. Were the orders given after the prince had returned from reconnoitring the ground, that day after the march.

A. I really do not remember particularly that day. It often happened, that they were given out before his return. But as to that day I cannot remember.

Major Stubbs, *Major Brigade of the Cavalry.* (*Sworn.*)

J. Adv. Was you Major of Brigade?

A. I was not on the 31ſt of *July*. I was the firſt of *Auguſt*, I believe, I was on duty the 1ſt of *Auguſt* not the 31ſt of *July*.

Q. Pleaſe to inform the court, whether you recollect any orders from the General that morning, to put the army in motion.

A. On the firſt of *Auguſt*, a little before 4 o'clock, the General's Aid de Camp came to my tent.

Q. From whom?

A. From the Duke. He was the Duke's Aid de Camp.

Q. Prince *Ferdinand*'s?

A. Yes. They call him Duke. He inquired for Col. *Preſton*. I thought it was ſome orders for the cavalry, and went to him; he told me, his buſineſs was to order the cavalry to ſtrike their tents, and immediately form at the head of the lines. I accordingly ſent the orderly men in waiting to the firſt and ſecond lines, acquainting them with theſe orders: The

firſt

firſt and ſecond lines of the cavalry, I mean. They immediately ſtruck their tents, mounted, and formed.

Q. Do you know any thing of theſe orders being communicated to Lord *George Sackville?*

A. Not at that time.

Q. Do you know at what time Lord *George Sackville* appeared at the head of the cavalry?

A. It was after the regiments were formed. I went down to his quarters to inform him the army was formed.

Q. Pleaſe to mention at what time, and where you went to?

A. The troops being formed, I heard ſeveral officers ſay, where is Lord *George Sackville*, who is to lead the line? upon which, knowing the village his Lordſhip was quartered in, I galloped down to his Lordſhip's quarters to inform him the line was formed. I found his Lordſhip in the yard of his quarters, between the ſtable and the houſe; his Lordſhip immediately ordered his horſe and followed me up to the lines, ſaying, he had but juſt before had notice of it from General *Sporken*.

Q. Do you know any thing further of your own knowledge, neceſſary for the Information of the Court on this trial?

A. I do not.

L. *G. Sackville.* Was the cavalry ſaddled at one o'clock, according to the order?

A. I cannot poſitively ſay; but I think they were when I ſaw them at four.

Q. From whom ought you regularly to receive your orders, as Major of Brigade, or as any officer belonging to the *Britiſh* troops?

A. I am to obey all orders brought me by authority; I have received them from Aid de Camps, from Generals, and, now and then, by paſs-parole, by words coming along the lines.

Q. Who ought regularly to do it? from whom ought you regularly to receive them?

A. From the commander in chief of the *Britiſh* Forces, or any body authorized to diſtribute orders; from Gerals, acting as Major Generals to the Brigade, or any body

body acting by their authority; I imagine ſo. From the Generals commanding the Brigade. The Adjutant General. Many orders came from Aids de Camp which were obeyed, I thought it my duty; from Lord *George Sackville*, Lord *Granby*, from their Aids de Camp. I always thought it my duty to publiſh any orders Lord *George* was pleaſed to give me.

Q. Was not the regular conveyance of orders thro' the *Britiſh* Adjutant General.

A. That was the moſt common way. Many came other ways. Theſe gentlemen are as good judges as I, what is the regular way of giving orders; I obeyed many that came different ways.

Gen. *Cholmondely.* You ſay, that on the 1ſt of *Auguſt* the aid de camp of Prince *Ferdinand* came to your tent, and inquired for Col. *Preſton*; that he was not there; that this aid de camp gave orders for the cavalry to be ſaddled; that they ſtruck, and formed. This order was given to Col. *Preſton?*

A. I ſent it immediately to both lines. Col. *Preſton* was not there.

Q. You ſay this was about four o'clock?

A. Yes; not ten minutes over or under.

Q. In how long time after did you go to Lord *George Sackville*'s quarters?

A. As near as I can tell, it muſt be between five and ſix when I went down to his quarters, the troops had ſtruck, packed up, and formed.

Q. I underſtand the lines were formed at four?

A. No. The orders came then. It was an hour and a quarter before they formed at the head of the lines; I made no minute of it; but I believe it was about that time.

Lord *Albemarle.* You have ſaid, that the aid de camp of Prince *Ferdinand* brought orders at four o'clock to ſtrike the tents, and for the cavalry to form at the head of the lines; did he, at the ſame time, order the cavalry to march as they were formed?

A. No.

Q. Was you near enough to know whether the other columns of the infantry marched?

A.

A. No. When I returned with Lord *George Sackville*, the infantry was juſt upon marching. They were broke into their ſeveral columns, and juſt forming to march; what I ſaw of them; I could not ſee the whole. That part that I ſaw, was juſt broke, and formed to march.

Q. How long had the cavalry been formed, ready to march, before Lord *George Sackville* came to the head of them?

A. The time that it took me in riding to and from his quarters, I ſuppoſe it was a mile, or a mile and an half, I ſuppoſe they muſt have been formed twenty minutes, or half an hour; it took me about that time. Ten minutes before I ſet out, and I was twenty minutes gone.

Q. About half an hour?

A. I believe, much about that time; I went briſkly, and returned briſkly; I fancy it was half an hour.

L. *G. Sack.* When we got up to the lines, did you ſee or hear the aid de camp of Gen. *Sporken*, or any officer, tell me the General was then going to march, and deſire me to put the cavalry in motion, as he was beginning to march with the infantry?

A. I did not ſee any ſuch officer, or hear any ſuch words.

Gen. *Cholm.* When you went to Lord *George Sackville*, did you come back with him to the head of the lines?

A. I came juſt before. He ſtopt a little with the infantry, and I went 100 or 200 yards before him.

Q. You rid briſkly to inform him; how did you return?

A. Very quick; I galloped all the way there, and back; Lord *George Sackville* came juſt behind me. He ſtopped to ſpeak with ſome body at the head of the infantry; in that time, I got 100 or 200 yards before him.

Preſident. In relation to the orders, mentioned by Lord *George Sackville*, had not you every day an orderly time at your quarters?

A. Certainly. But many other orders were given.

L. *Alb.* How long was it before the cavalry marched, after Lord *George Sackville* came to head them? *A.*

A. Immediately. Col. *Sloper*, at the head of the right ſquadron, told Lord *George*, that they had been ready for ſome time: He ſaid, 'Would you have us march?' Lord *George Sackville* ordered them, and they marched immediately.

Col. Johnſton *of the Blues, ſworn.*

Judge-Adv. Do you know at what time the cavalry was formed at the head of the lines on the 1ſt of *Auguſt*, upon the ground of the camp, before you marched?

A. I think it was about four o'clock.

Q. Do you know, of your own knowledge, at what time the orders came for that purpoſe?

A. I cannot ſay.

Q. Do you know at what time Lord *George Sackville* appeared at the head of the cavalry?

A. It might be about a quarter of an hour after they were formed.

Q. Did you ſpeak to him?

A. Yes.

Q. What converſation paſſed between you?

A. Lord *George Sackville* came from his quarters, as I believe, I am not ſure. His Lordſhip ſpoke to me; I acquainted Lord *George*, that Gen. *Sporken*, and Col. *Reden*, had inquired after his Lordſhip, and that I believe we ſhould have ſomething to do: I do not remember that any thing paſſed between Lord *George* and me. His Lordſhip went to the right of the brigade.

Q. Had you any opportunity, from your ſituation, of knowing any orders that were brought to Lord *George Sackville* that day?

A. Col. *Legonier* told me, at one time of the day, that he had carried the Prince's orders to Lord *George Sackville* to bring up the cavalry, that we had a very fine opportunity of gaining a good deal of credit, the enemy being all in diſorder.

Q. Do you know any thing of your own knowledge?

A. No.

Q. Did you make any obſervations that day, that you can diſcloſe for the information of the Court?

Gen. *Cholmondely.* It ſhould be ſtated what the obſervations are ſuppoſed to relate to.

Judge

Judge Advo. Lord *George Sackville* ſtands here, charged with diſobedience of orders; did you make any obſervations relative to that?

A. Col. *Legonier* came to me upon his return, that is all, I ſaw him after he delivered the orders.

Judge Advo. I put the queſtion only to his own knowledge.

L. G. *Sackville*, Sir, if we are to go into hearſay and opinion, you may ſit here ſome months. Col. *Legonier* does attend on the part of the Crown; what paſſed between him and me, I dare ſay he will declare upon his oath.

Preſi. You have mentioned Col. *Legonier*'s ſaying this, at what hour was it?

A. I do not recollect at what hour it was.

Gen. *Cholmondely.* He has told you, that Col. *Legonier* told him, that he had carried orders for Lord *George Sackville* to come up with the cavalry, ſo that here is hearſay evidence already.

Judge Advo. That happens with every witneſs, when I ſee it is not proper evidence I ſtop him.

L. *Albemarle.* What diſtance of time was it between the time of your ſeeing Col. *Legonier*, and the time of Lord *George Sackville*'s marching with the cavalry?

A. I believe it might be twenty minutes.

Gen. *Cholmondely.* You ſay that between your ſeeing Col. *Legonier*, and the cavalry's marching was twenty minutes; do you know any reaſon why the cavalry did not march ſooner?

No anſwer.

Judge Advo. The next witneſs I intend to call cannot ſpeak *Engliſh*, I propoſe that he deliver his evidence in *French*, and to have an interpreter.

The Honourable Mr. Hamilton, *ſworn to interpret.*

Capt. *Winſchingrode*, called in.

L. G. *Sackville.* Sir, before this gentleman is ſworn, I beg leave of the Court that the Judge Advocate may explain to him the oath, and the methods of the laws of this country, in regard to teſtimony, in Courts of Juſtice.

Judge Advo. You know the duty you owe to God and the nature of an oath?

Mr. *Hamilton.* He ſays he knows his duty to God, and to religion, and he knows what he owes to the character of an honeſt man who is to tell the truth.

Judge Advo. The laws of this country inflict very ſevere penalties in caſes of perjury.

Mr. *Hamilton.* He ſays, he is not in the leaſt afraid of being found in that ſituation.

Judge Advo. It is proper that he ſhould be acquainted, that the Court don't imagine that. They thought it neceſſary to inform him, as being a foreigner, of the laws of this country.

Mr. *Hamilton.* He ſays he is much obliged to them for this notice.

Judge Advo. The Court may puniſh at their diſcretion; they may adjudge it tranſportation for ſeven or fourteen years.

Capt. *Hamilton.* He ſays he is extremely obliged to them for the information; it is unneceſſary with reſpect to him.

Judge Advo. He underſtands in what light it is mentioned.

Capt. Winſchingrode *ſworn in* French.

Judge Advo. Was you Aid de Camp to Prince *Ferdinand*, on the day of the Battle of *Minden*?

(*Mr.* Hamilton *tranſlates the anſwers.*)

A. I was Aid de Camp that day, and am ſo ſtill.

Q. Relate to the Court, whether you carried any orders that day from Prince *Ferdinand* to Lord *George Sackville.*

A. I did carry orders to Lord *George Sackville.*

Q. Give an account at what hour of the day, and what happened in conſequence of them.

A. I do not remember the hour, but I know what poſition the army was in at that time. It was at the time when the infantry of the right wing was advancing towards the enemy for the ſecond time after Duke *Ferdinand* had ordered them to halt a moment, to give time for the right of the infantry adjoining, and

nd the ſecond line to come up and form. His Serene Highneſs, as I have been ſaying, then ordered me to go and give his orders to Lord *George Sackville* to advance with the cavalry of the right wing to ſuſtain the infantry which was going to be engaged. I went immediately. *The Duke of Richmond* joined me after I had gone a few paces, to tell me again from his Highneſs, to haſten the arrival of the cavalry, and to tell Lord *George Sackville* to form with the cavalry of the right wing under his command, upon the heath in a third line behind our regiments. I found Lord *George* with the cavalry of the right wing poſted there, where I believe they were firſt formed, on arriving at their poſition, at ſome diſtance, but I cannot tell what, behind our artillery, which was poſted near the wind-mill of the village of *Halen*, having ſome trees on his left, which prevented it from ſeeing our infantry. In coming up I paſſed before the ſecond line, I aſked where I could find Lord *George*. My Lord *Granby*, whom I met that inſtant at the head of the ſecond line of cavalry, told me, that I ſhould find Lord *George Sackville* at the head of the firſt line. I acquainted Lord *Granby* then, as I paſſed, that I was going to carry orders from his Highneſs to Lord *George Sackville*, to advance and form upon the heath behind the infantry to ſuſtain it; after which I found Lord *George* at the head of the firſt line of cavalry.

I communicated to him the orders of his Highneſs as they were given to me by him. My Lord *George Sackville* ſeemed not to underſtand them. He aſked me the queſtion, how that was to be done? I endeavoured to explain them as well as I could to him. I told him (I do not remember the exact terms I made uſe of then) but I am certain that I explained the ſenſe of the orders that I brought him. I made him underſtand that he was to paſs with the cavalry between the trees that he ſaw upon his left; that he would then arrive upon the heath, where he was to form with the cavalry, to advance in order to ſuſtain our infantry, that I thought was already engaged with the enemy.

My Lord *George* aſked me again ſeveral queſtions, how that was to be done? I repeated to him what I had been ſaying. Then my Lord turned towards the officers of his retinue, that belonged to him, and I, firmly perſuaded that he was going to give orders for advancing, went to rejoin his Highneſs; in riding upon the heath, behind our infantry, which were then fully engaged with the enemy, I ſaw Col. *Fitzroy* coming towards me full gallop; he aſked me why our cavalry of the right wing did not advance? he made me underſtand, as he went by, that his Highneſs was under the greateſt impatience about it.

I followed him to tell him, that I had been carrying orders for that purpoſe, from his Highneſs to Lord *George*, and that the cavalry was coming. But he, without waiting for my anſwer, went his way towards Lord *George*; and I ſeeing that our cavalry of the right wing, from whence I was coming, made as yet no movement, beyond the trees, or on the ſide of the Trees that then ſeparated it from the heath, where it was to form itſelf to advance, I followed Col. *Fitzroy* to aſſiſt him in haſtening the advancing of the cavalry; he going towards Lord *George Sackville* and I towards Lord *Granby*, whom I found at the head of the ſecond line of the cavalry in the ſame poſition as when I paſſed by him firſt, juſt as I found him when I firſt paſſed him. I have nothing further to ſay concerning Lord *George*; theſe were the orders I carried him from his Highneſs.

Q. Did you repeat the ſubſtance of Prince *Ferdinand*'s orders in any other language than *French*.

A. I ſpoke them at firſt in *French*, and I do not remember to have made uſe of the *Engliſh* language, nor of any other, except that I think, that I endeavoured to make him underſtand in *Engliſh*, that he was to paſs between the trees on his left, to form upon the heath, on the other ſide. I ſpoke to him in general in *French*.

L. *G. Sackville.* In what ſervice are you?

A. In the ſervice of the Landgrave of *Heſſe Caſſel*.

Q. In what rank was you on the 1ſt of *Auguſt* laſt?

A. A Captain of foot.

Q. Did

Q. Did you ever ſerve in the cavalry?

A. No.

Q. Did you know before you ſaw the infantry going to charge that the enemy's cavalry was poſted in the center of their line?

A. I ſaw that the enemy preſented us a front of cavalry and infantry, but I was not able to diſtinguiſh the detail of their diſpoſition, the manner of their diſpoſition.

Judge Advo. It is proper to explain to him, that it is uſual in this country for the gentleman on his trial to have an opportunity of croſs-examining the witneſſes.

L. G. *Sackville.* I would aſk him, whether the poſition of the cavalry of the right wing, in reſpect to the infantry of the Allied Army, was ſuch, or drawn up in ſuch a manner, as to ſhew, that the cavalry of the enemy was expected to have been upon the flank of their infantry?

A. I did no more than carry orders to Lord *Sackville* to advance upon the heath behind our infantry. I am not experienced enough to be able to judge of the diſpoſition the army was then in; ſtill leſs able to judge of the reaſon his Highneſs had, to employ the cavalry where he thought proper.

Q. How far was it from the cavalry to the place where you met Col. *Fitzroy?*

A. I cannot aſcertain the diſtance.

Q. What pace did you go; did you gallop?

A. A full gallop.

Q. Did you apprehend your orders and Col. *Fitzroy*'s to be the ſame?

A. By the queſtion Col. *Fitzroy* aſked me, I ſhould judge he was going with ſome orders to Lord *Sackville*; but I aſked him no queſtions about it: Seeing that he was in too great a hurry to be able to give me an anſwer.

Adjourned till to-morrow morning ten o'clock, and Col. *Winſchingrode* ordered to attend.

HORSE-GUARDS, *March* 8, 1760,

At a COURT-MARTIAL there held.

Third Day's Sitting, on the Tryal of L^d. *George Sackville.*

PRESENT,

Sir *Charles Howard* Preſident, and the reſt of the Members, as Yeſterday.

Lord *George Sackville* ordered into Court.

PRESIDENT. My Lord *George Sackville*, yeſterday we concluded with Capt. *Winſchingrode*; has your Lordſhip any further queſtions to aſk him?

L. *G. Sackville.* No, I finiſhed with him yeſterday.

L. *Albemarle.* I would aſk Mr. *Winſchingrode* ſome queſtions.

Capt. Winſchingrode *called in.*

L. *Albemarle.* What diſtance was the cavalry from the ſecond line of infantry, when you carried Lord *George Sackville*, Prince *Ferdinand*'s orders to advance.

(*Mr.* Hamilton *tranſlates the anſwers.*)

A. I cannot fix the diſtance, but as near as I can remember, the infantry could not then have advanced 100 paces from the place, where it was firſt formed.

Q. What ſort of ground was it for the cavalry to march upon, from the place where it was formed to the place it was to advance to behind the infantry.

A. As much as I can remember to have remarked in paſſing by, there were ſome trees upon the left of our cavalry of the right wing, through which it could, and was to paſs, in order to get upon the heath behind our infantry, from whence it was to advance towards the enemy.

Q. Do you think that if Lord *George Sackville* had immediately obeyed the Prince's orders, when you delivered them to Lord *George*, that the cavalry could have come up time enough to have ſupported the infantry and to have engaged the enemy?

A. I was not preſent when our infantry firſt engaged the enemy; but I remember well that our infantry was ſtill engaged with the enemy, when I rejoined his Highneſs after having been twice to our cavalry of the right wing, to make it advance.

Q. Can you recollect the ſpace of time from your firſt delivering Prince *Ferdinand*'s orders to Lord *George Sackville*, to your returning to the Prince, was it an hour, half an hour, or how long.

A. I cannot juſtly recollect the diſtance of time, I believe about three quarters of an hour; for I was obliged to paſs twice over the heath, which was a pretty long diſtance between the cavalry and the infantry, the infantry having advaced towards the enemy, ſince I left his Serene Highneſs.

Q. What ſort of a wood was that you ſpoke of, was it an open wood, free for the cavalry to march upon, or full of briars?

A. An open wood, there were no buſhes or underwood, that I remember.

Q. Was there any conſiderable body of the enemy's infantry poſted near that wood, near enough to oppoſe the paſſage of the cavalry?

A. I ſaw no infantry of the enemy.

Q. I would aſk you if any of Lord *George Sackville*'s Aids de Camp, or any of his officers were preſent when you delivered Prince *Ferdinand*'s orders to Lord *George*, or whilſt you was explaining thoſe orders to Lord *George*?

A. He was, when I found him, at the Head of the firſt line, accompanied by ſeveral Aid de Camps and other Officers, at the time I delivered his Highneſs's orders; but I cannot name them all, as I did not take notice of them.

Q. Name thoſe you do recollect?

A. I may be miſtaken but I think I ſaw Col. *Hotham* Capt. *Hugo*, and I think I ſaw Col. *Sloper*.

Q. When Prince *Ferdinand* ſent you with the orders to Lord *George*, did he inform you where you ſhould find the cavalry?

A. His Highneſs did not.

Gen. *Cholmondeley*. I ſhould be glad to know whether the road you came from Prince *Ferdinand* was the ſame Road, that the cavalry muſt have gone, in caſe they had advanced, to have executed the Prince's orders?

A. It was.

Q. You have ſaid that the road you came thro' was the ſame Road that the cavalry was to march; I aſk you whether you know of any reaſon, that would have prevented the cavalry from executing the orders you brought to Lord *George Sackville*. Was there any apparent reaſon?

A. No apparent reaſon, I know of none, I ſaw no reaſon to hinder them.

Q. Were there any batteries upon the right, any of the enemy's batteries on the right, where the cavalry was to paſs?

A. When I was there I did not ſee one battery of the enemy's.

Lord *Robert Bertie*. You ſaid yeſterday, that in returning from Lord *George Sackville* you met Lord *Granby* and Col. *Fitzroy*. How long was it from the time you carried the orders to the time they did march?

A. After I parted with Col. *Fitzroy*, before I came to Lord *Granby* to the ſecond line——(*Stopt.*)

Gen. *Cholmondeley*. This queſtion may introduce a great many more, it will look like inquiring into Lord *Granby*'s conduct.

Preſident. He may anſwer as to the time.

A. The ſecond line marched immediately after I had joined Lord *Granby* in the ſecond line.

Gen. *Cholmondeley*. This ſeems to be but part of an anſwer; I ſee no ſort of objection to his anſwering the whole; I underſtood it ſhould not be done. He tells you when one marched, and gives the reaſon.

Mr.

Mr. *Hamilton* tranſlates the anſwer.

A. When I came to Lord *Granby* a ſecond time I deſired him to march directly with the ſecond line; becauſe I knew the Duke was waiting with impatience for the arrival of the cavalry, and my Lord *Granby* followed me immediately with the ſecond line, which I lead thro' the trees upon the heath where it was to form in order to advance.

Q. Did you know any thing of the firſt line of cavalry at that time?

A. I do not know, I did not take notice when the firſt line marched.

Q. You have ſaid that you went to Lord *Granby*; that Lord *Granby*, when he received the orders, marched with the ſecond line; that you know nothing of the firſt line, Lord *Granby* was ſecond in command. He will appear deficient in his duty if he did not inform Lord *George Sackville* of his marching?

A. I did not attend to the firſt line, as Lord *Granby* was preparing to follow me with the ſecond line. He deſired me to acquaint Lord *George Sackville* with it, with which I charged an officer of Lord *George*'s (belonging to him) who was coming up at that time, and who, if I am not miſtaken, was Col. *Hotham*.

Lord *Harrington*. Did you deliver the orders to Lord *Granby* to advance, in the Prince's name, or as from yourſelf?

A. I told him that it was the Prince's orders, that the cavalry ſhould advance.

Gen. *Cholmondely*. You knew that Lord *George Sackville* was commander in chief of the cavalry of the right wing that day. How came you to go to Lord *Granby*, to order him to advance, who was only the ſecond in command?

A. I knew very well that Lord *George Sackville* commanded the cavalry of the right wing, and I accordingly acquitted myſelf towards him, by delivering him the orders his Highneſs had given me to communicate to him. I returned the ſecond time to the cavalry, with no other intention than to aſſiſt Col. *Fitzroy* in haſtening

the arrival of the cavalry; underſtanding, by the queſtion that Col. *Fitzroy* aſked me, that his Highneſs was waiting, with impatience, the arrival of the ſaid cavalry; and I knew beſides, that *Col. Fitzroy* was going to Lord *George Sackville*, to make him advance.

L. *Harrington.* How far did you conduct the cavalry upon the heath?

A. As far as it was neceſſary for the ground, where it was to form.

Q. Was Lord *Granby* then ſtopt from advancing by any body's orders, and by whoſe orders?

A. After having conducted Lord *Granby* to the heath, and ſeeing him preparing to advance, or ready to advance, I left him immediately, to rejoin his Highneſs; and I am not informed of the orders that were given him ſince.

Gen. *Leighton.* I ſhould be glad to know whether the cavalry upon the right of our army did, during the action, attack or charge any part of the enemy?

Preſident. We are not quite ready for that; we ſhall have ſeveral of our own cavalry here.

Gen. *Cholmondely.* I would aſk him a queſtion relative to what I aſked him before. You have ſaid, that you carried orders to Lord *George Sackville*, for advancing; and that you came a ſecond time, and met Col. *Fitzroy*; and afterwards you went to Lord *Granby*, with the Prince's orders. Now, as you had been that day before with orders to Lord *George Sackville*, to advance with the troops, why (after you met Col. *Fitzroy*, and attended him, in order to haſten or forward the march of the troops) did not you again apply yourſelf to Lord *George Sackville*, to whom you had before carried orders for that purpoſe?

A. Becauſe I knew that Col. *Fitzroy* was gone to give that order to Lord *George Sackville.*

L. *Robert Manners.* What part of the enemy appeared before the cavalry, when you firſt came to them; or did any of the enemy appear before them?

A. I do not remember to have remarked any enemy juſt oppoſite to the cavalry; but I very well remember

ur artillery poſted at ſome diſtance in the front of our avalry, near the wind-mill of the village of *Haklen*.

Col. Legonier *ſworn.*

Judge-Adv. You was aid de camp to Prince *Ferdinand* n the 1ſt of *Auguſt*, the day of the battle?

A. Yes.

Q. Pleaſe to inform the court, whether you carried ny, and what orders, from Prince *Ferdinand*, to Lord *George Sackville* that day.

A. I brought Lord *George* orders from Prince *Ferdi-nand*, to advance with the cavalry, in order to profit rom the diſorder which appeared in the enemy's ca-alry. I found his Lordſhip at the head of *Bland*'s ragoons. I delivered him my orders, to which his Lord-hip made no anſwer, but turning about to the troops or-ered ſwords to be drawn, and to march, which they did, moving a few paces upon the right forwards. I then old his Lordſhip it was to the left he was to march. *In* hat time Col. *Fitzroy* arrived and delivered orders for the *Britiſh* cavalry only to advance. Lord *George*, turned to me, aid our orders were contradictory. I anſwered, they differ-d only in numbers; that the deſtination of his march was he ſame to the left. His Lordſhip then aſked me if I would lead the column, I ſaid I could not undertake to conduct them properly; but if his Lordſhip would truſt it to me, I would do my beſt.

This was all that paſſed between Lord *George* and me. I was prevented hearing what paſſed between Lord *George* nd Col. *Fitzroy*, being at that time at ſome diſtance from him with Col. *Sloper*; that is all I have to ſay.

Q. Did you go away to the Prince without any thing further paſſing.

A. Not between Lord *George* and me: Nothing fur-her paſſed. I ſaw Lord *George Sackville* and Col. *Fitz-roy* returning to find the Prince.

Q. Did any diſcourſe paſs between you and Col. *Sloper*, n the hearing of Lord *George Sackville?*

A. No.

Q. Did any diſcourſe between you produce any ſub-equent diſcourſe with Lord *George?*

A. No, certainly not.

L. *Harrington.* What account did you give to Prince *Ferdinand*, of the orders you had given to Lord *George?*

A. I told him that Lord *George* was coming to him.

Q. Did you ſee Col. *Johnſon* that day?

A. When I left Col. *Sloper*, I went to Col. *Johnſon* before I returned to the Prince.

Q. Did any diſcourſe paſs between you?

A. I told Col. *Johnſon* that I had brought orders for the cavalry to advance, that it would be a noble opportunity for them to diſtinguiſh themſelves.

Judge Advo. This is a circumſtance to corroborate what came from Col. *Johnſon.*

L. *G. Sackville.* Was you ſent from the Prince upon any, and what report made to him by the Duke of *Richmond*?

A. I preſume I was ſent to Lord *George*, on account of many reports being made to the Prince of the enemy's cavalry being in confuſion. I cannot ſay the Duke of *Richmond*'s in particular.

Q. Was the Prince in a ſituation to ſee them himſelf?

A. I was not long enough with the Prince, at the time when he gave me the orders, to know whether he could have ſeen their confuſion from the ſpot, where he delivered me my orders; but imagine that by riding twenty paces either to the right or left, he might well have ſeen the enemy's cavalry.

Q. Did you and Col. *Fitzroy* leave the Prince at the ſame time?

A. No.

Q. What ſpace of time was there between?

A. I really cannot tell, I came firſt.

Q. Was Col. *Fitzroy* with the Prince when you left him?

A. I cannot ſay, I believe he was.

Q. Did you not apprehend your orders to be the ſame with thoſe brought by Col. *Fitzroy?*

A. By his following me ſo immediately, I thought there was

was a probability, they might be the ſame; but this is merely conjecture.

Q. Did you never declare, when laſt in *England*, that they were the ſame?

A. No.

Q. Did you ever ſay that you had miſtaken the orders, or that you had changed them?

A. No.

Q. Did you inſiſt upon your's being the right orders, after Col. *Fitzroy* had joined me, and that I was to go by your orders, that they were the orders to be obeyed?

A. Yes, peremptorily: I remember a particular expreſſion I made uſe of at the time, which makes me uſe that word. I inſiſted that the orders I delivered were what I received, not that they were the orders to be obeyed.

Q. Did you inſiſt upon being obeyed in theſe orders?

A. Not after Col. *Fitzroy* arrived.

Q. What was the ſituation of the enemy before you left the Prince?

A. I cannot poſitively ſay. I was returned but a few minutes before from the infantry, upon the right, when I received the Prince's orders to go to Lord *George*.

Q. What was the ſituation of the *Britiſh* infantry at that time?

A. It was formed in lines, and advancing briſkly in two lines.

Q. What ſupport had they from the foreign infantry?

A. The *Hanoverian* guards were upon their left; I ſaw no troops upon their right.

Q. Were any other troops near them upon the left?

A. Not that I recollect.

Q. Were there any behind them?

A. I do not know.

Q. In what manner did the *Britiſh* troops advance, as to their diſpoſition and manner of attack?

A. I cannot be particular as to the poſition of each regiment, but the whole were advancing briſkly.

Q. How

Q. How long had they been engaged with ſmall arms, when you was ſent to me?

A. I cannot be a judge of that, as they were only advancing when I left them.

Q. No ſmall arms in front?

A. Not that I know of.

Q. Do you know how long the engagement with ſmall arms laſted?

A. I cannot ſay.

Q. Did you, when you was laſt in *England*, declare any thing of the time that the engagement, with ſmall arms laſted?

A. In common converſation I may have ſaid how long it laſted; but never poſitively: I don't recollect the time it laſted.

Q. Cannot you gueſs?

A. I do not preſume to gueſs.

Q. Did I make the leaſt heſitation about obeying your orders, till Col. *Fitzroy* arrived?

A. No.

Lord *Albemarle*. At what time of the day did you bring theſe orders to Lord *George Sackville?*

A. I cannot recollect.

Q. Do you recollect what time of the day it was when the enemy retired?

A. As near as I can recollect, I think it was between eight and nine.

Q. Do you recollect the diſtance of time between your carrying theſe orders to Lord *George Sackville* and the enemy's retiring?

A. I cannot aſcertain the time.

Q. How long do you think?

A. I ſhould imagine about three quarters of an hour, I can ſpeak with no certainty.

Q. What diſtance was the cavalry from the ſecond line of infantry, when you carried the orders from the Prince to Lord *George* to advance?

A. I ſhould think a full mile.

Q. What

Q. What ſort of ground had the cavalry to march over?

A. When once they had got through an open grove upon their left, a very fine plain.

Q. What ſort of ground was it, and how far was it to that open grove from the place where the cavalry was drawn up?

A. I think the cavalry was cloſe to it; as I was only there once, I cannot poſitively ſay; I think ſo.

Q. Do you think if Lord *George Sackville* had either obeyed the order you brought to him, or the order brought to him by Col. *Fitzroy*, that the cavalry could have come up time enough to have ſupported the infantry, and to have engaged the enemy?

A. I think it might.

Col. *Charles Fitzroy* ſworn.

Q. You was Aid de Camp to Prince *Ferdinand?*

A. Yes.

Q. Did you bring any orders from the Prince to Lord *George Sackville* that day?

A. I did bring an order for the *Britiſh* cavalry to advance towards the left.

Q. What paſſed in conſequence of that?

A. I think when I came to Lord *George Sackville* he was then upon the right of *Bland*'s regiment, I told him it was the Prince's orders, for the *Britiſh* cavalry to advance towards the left. He deſired me not to be in a hurry, and to give my orders more diſtinctly. I think he ſaid ſo, or ſomething to that purpoſe. I again repeated that it was the Prince's orders for the *Britiſh* cavalry to advance towards the left. I think Lord *George Sackville* obſerved, that Col. *Legonier*'s orders were different; his Lordſhip ſaid, he thought the Prince did not mean to break the line. I think my Lord *George* aſked which way the cavalry was to march? who was to be their guide? I told my Lord, I did not know of any guide being appointed to lead the column; but offered to lead the column myſelf through the little wood, that was upon our left, where I imagined they might paſs two ſquadrons in front, through that wood.

Lord

Lord *George* then did not ſeem to be ſatisfied with the order, ſaying it did not agree with that which Col. *Legonier* brought him. He deſired me to lead him to the Prince to have an explanation of theſe orders, which I did. My Lord *George* came to the Prince ſoon after I got to him. That is all except what paſſed between Capt. *Smith*, one of Lord *George*'s Aids de Camp, and myſelf.

Q. Did you hear what paſſed between the Prince and Lord *George?*

A. I did, but do not recollect it.

Q. Did any thing paſs between Lord *George* and any other perſon, in your hearing, relative to this matter?

A. Something paſſed between him and Capt. *Smith*. I heard him give Capt. *Smith* an order (I do not know what it was) juſt as we got through that wood.

Q. Did you hear at all what that was?

A. I did not, ſo as to be able to relate it.

Q. Did you carry any orders to Lord *Granby* that day?

A. I did.

Q. Pleaſe to mention what they were?

A. It was ſome time after this. The Prince was then with Capt. *Philips*'s battery, advancing towards the right of the infantry. His Serene Highneſs ſaid, he thought it was even then not too late, for the cavalry to advance.

Q. Where was the battery?

A. Upon the right of the infantry, with a deſign to ſilence a battery of the enemy, which flanked the infantry. I aſked the Prince, whether he would have me go, and fetch the cavalry, his anſwer was yes, and deliver the order to Lord *Granby*. I found Lord *Granby* on this ſide, that is, the *Minden* ſide of that little wood, more out into the plain. He had paſſed the wood. He was alone, advanced forty yards, I think upon the left of the *Britiſh* cavalry. I think at that time the left of the *Britiſh* cavalry was more forward than the right. I delivered the Prince's orders to my Lord *Granby*, who aſked me, why I did not give it to my Lord *George Sackville?* I told him the Prince had

had ſent me to him. That was all I ſaid to my Lord *Granby*.

Q. Was Lord *Granby* then in motion?

A. The cavalry was in motion when I came up. My Lord *Granby* made me obſerve that the right was not come up ſo forward as the left.

Q. What was the diſtance of time from your going from the place where you delivered the orders to Lord *George* to your return to the Prince?

A. When I ſet out with Lord *George* we were beyond the centre of the army, what the diſtance of time was I cannot ſay.

Gen. *Cholmondely*. My Lord *George Sackville*, you will not have time to go thro' the examination of Col. *Fitzroy* now. You may chuſe to go thro' it at once.

L. *G. Sackville*. I had much rather not be interrupted in my examination, if the Court pleaſes. I would chuſe to finiſh without interruption.

Then the Court adjourned till *Monday* morning ten of the clock, and Col. *Fitzroy* was ordered to attend.

HORSE-GUARDS, *March* 10, 1760,

At a COURT-MARTIAL there held by Adjournment.

Fourth Day's Sitting, on the Tryal of L^d. *George Sackville*.

PRESENT,

The Preſident Sir *Charles Howard*, and the reſt of the Members, as on *Saturday* laſt.

Lord *George Sackville* ordered into Court.

Evidence for the Crown continued.

Col. *Fitzroy* called in again.

His evidence read.

PRESIDENT. Is that the evidence?

A. Yes; only inſtead of the *Minden* ſide of the wood, it ſhould be the enemy's ſide.

Judge Advo. Did you ſee Capt. *Winſchingrode* in your way, when you carried the orders to Lord *George Sackville*?

A. I did.

Q. Did any thing paſs between you?

A. He told me he had been with Lord *George Sackville*, and that Lord *George* would not at firſt underſtand the Prince's orders. I received from him inſtructions or directions where to find the cavalry.

Q. Did you ſee Mr. *Derenthall* in your way there or back?

A. I do not recollect to have ſeen him at that time.

Q. Whether did Col. *Legonier* or you come firſt from the Prince, or did you come both together?

A. I do not know when Col. *Legonier* went from the Prince, not having heard the Prince give him his orders; but I ſaw him, with the Prince not long before I received mine.

Q. Did Lord *George* aſk, at the time Col. *Legonier* and you was with him, which came laſt from the Prince?

A. Upon

A. Upon my word I do not recollect that Lord *George* aſked me that queſtion, he might have done it, but I do not recollect it.

Q. Did he aſk Col. *Legonier* in your hearing?

A. I heard nothing diſtinctly what he ſaid to Col. *Legonier*. I ſaw Lord *George* turn about and talk to him, but I did not hear diſtinctly what he ſaid.

Q. Do you know of any alteration that there was in the poſition of the enemy, at the time you was diſpatched to Lord *George Sackville*, which might occaſion the Prince's altering his firſt order, and ordering Lord *George Sackville* to advance with the *Britiſh* cavalry only.

A. There was a confuſion among the *French* cavalry, which was in the center of their line; the Duke of *Richmond* having reported that to the Prince, the Prince advanced to reconnoitre them himſelf, ſaying, in *French*, *voici le beau móment pour la cavallerie*, upon which I aſked his Highneſs leave to go and fetch up the *Britiſh* cavalry, his anſwer was, *courez y*.

Q. Was there any report made of the diſorder of the cavalry, before the Duke of *Richmond*'s?

A. None to my knowledge.

L. *George Sackville*. Sir, the Judge Advocate has aſked a great many queſtions that I intended to have aſked. I would now aſk,

Q. How long before you left the Prince, did you ſee Col *Legonier* with him?

A. The inſtant before the Duke of *Richmond* made his report.

Q. Did I queſtion both you and Col. *Legonier* together concerning the orders which each of you brought?

A. I think not. Col. *Legonier* was in the front of the firſt line of cavalry, and Lord *George* and I were between the two lines of cavalry.

Q. Did you both diſpute in my preſence, and each of you inſiſt upon being right?

A. I do not remember having diſputed with Col. *Legonier*, but think it was from Lord *George* alone I knew that Col. *Legonier*'s and my orders had differed; I did inſiſt upon my orders being exact, mentioning, that I de-

livered them word for word as the Prince gave them to me.

Q. When you returned to the Prince did you mention any thing to him about Col. *Legonier*'s orders and your's differing ?

A. I mentioned to the Prince that Lord *George* had ſaid our orders did differ.

Q. What was the ſtate of the action when you left the Prince, was the infantry engaged with the enemy at that time, or advancing towards them ?

A. The *Britiſh* infantry was advancing briſkly. The *Hanoverian* guards were following them ; the remaining part of the line was forming ; Gen. *Wangenheim*'s corps, which was a ſeparate part of the army on the left of the army, was formed and ſuſtaining the battery at *Tonhauſen*.

Q. Do you know how long the firing of ſmall arms laſted upon the right ?

A. I do not.

Q. What hour of the day was it, when you brought me the orders ?

A. I had not a watch myſelf, nor did I ever aſk the hour of the day.

Q. Did you ſee Capt. *Smith* ſent back by me towards the cavalry as ſoon as it had paſſed the wood?

A. I did.

Q. Do you know his orders ?

A. I do not. I have already mentioned that I did not hear them diſtinct enough.

Q. You did mention that you did not hear the converſation. You might hear the orders, but not the converſation ?

A. I did not.

Q. What pace did we go towards the Prince ?

A. Half a gallop ; whilſt Lord *George* was talking to Capt. *Smith*, I puſhed on to the Prince full gallop, and arrived time enough to make my report before Lord *George* came up.

Q. What diſtance was there between the ſecond line of infantry, and the infantry that were engaged with the *Britiſh* infantry ?

A. I

A. I do not know, that diſtance varying almoſt every inſtant: There were two lines of the *Britiſh* infantry engaged; a brigade of the ſecond, engaged when the firſt engaged. There was no part of the ſecond or firſt line engaged when I came away.

Q. You ſaid that when the *Britiſh* infantry advanced, the remainder was forming, what diſtance was there between the part that was forming and that which was engaged?

A. When I came away, ſome diſtance, but not very great, the infantry had not marched off long.

Q. Did you often, or did you ever reconnoitre the wood upon the left of the cavalry, thro' which they were to paſs?

A. I do not know whether the queſtion means, if I ſtopped to look at the wood, I looked at it as I went through, I did not reconnoitre it becauſe I was not ordered ſo to do.

Q. Had you ever been there before?

A. I came thro' it once in the morning.

Q. How wide did you think it to be?

A. The narroweſt part of it was fifty or ſixty yards, I believe, I did not meaſure it.

Q. Is it equally thick?

A. I believe ſome parts are wider than others.

Q. Is it equally open?

A. Where I went thro' it, it was pretty open. I muſt obſerve, that no part of the line was engaged when I came away.

Q. Then my former queſtion as to the diſtance muſt be varied; what diſtance was there between the lines that were forming, and the part of the lines that was advancing?

A. I make the ſame anſwer. I think ſome diſtance, not very great.

Gen. *Cholmondely*. I am very ſorry that the Court goes on without a more particular examination into facts by the members; the Judge Advocate aſks queſtions very proper, but the tranſactions of that day he is not a judge of; I muſt therefore aſk ſome queſtions neceſ-

ſary

ſary for the information of the Court; I do it with the utmoſt reluctance, and I mention this, that the odium, if any, may not lie upon me.

Q. When you made a report to the Prince of your having been to carry theſe orders to Lord *George Sackville*, what did the Prince ſay to you?

A. Upon my appealing to the Prince, to know whether I had delivered his orders exactly, he told me that I had; upon my mentioning that Lord *George Sackville* did not underſtand theſe orders, but was coming to have them explained, as they had differed from thoſe Col. *Ligonier* had brought, the Prince expreſſed his ſurprize ſtrongly, not in words but in his looks; he did not expreſs it at all by words, but by actions, by geſtures.

Q. I deſire to know of you whether Lord *George Sackville* did obey either the orders brought by you, or by Col. *Legonier?*

A. They were not obeyed when I came away with Lord *George*.

Q. Do you know of any thing that could have prevented the execution of theſe orders that you brought to Lord *George?*

A. I do not.

Q. In the former Part of your evidence that you gave on *Saturday*, you ſaid you found the Prince at Capt. *Phillips*'s battery, advancing in order to ſilence one of the *French*, and at that time the Prince ſaid, it is even now not too late for the cavalry to come up; go to Lord *Granby* and order the cavalry to come up. I deſire to know if you know of any reaſon why he ſent you to Lord *Granby* and not to Lord *George Sackville?*

A. Upon his giving me the order, in order to be the more exact, I aſked his Serene Highneſs to whom he would have me addreſs myſelf. His anſwer was to Lord *Granby*, as I know he will obey me.

Q. Did you ever ſee the *Britiſh* cavalry of the right wing at any time of the day of battle near enough to have engaged the enemy?

A. I never did ſee them near enough.

Q.

Q. I beg leave to aſk you, whether you ever ſaw them near enough to have purſued the enemy with any proſpect of ſucceſs?

A. I was upon the left of the army when the enemy gave way, therefore I could not tell what then paſſed upon the right.

Q. Was not the *Britiſh* infantry attacked both with the enemy's cavalry and infantry, and did the *Britiſh* infantry receive any aſſiſtance from the *Britiſh* cavalry?

A. The *Britiſh* infantry was attacked by the enemy's cavalry, and afterwards by their infantry. The *Britiſh* infantry did not receive any aſſiſtance from the *Britiſh* cavalry.

Q. Was there any cavalry in the rear of our infantry to have ſupported them?

A. There was none.

Q. Then are you of opinion, if they had been broke, that the whole muſt have been ſacrificed.

L. *G. Sackville.* Sir, I do not think that a fair queſtion, to aſk only matter of opinion.—

Preſident to Lord *George Sackville.*

If you deſire it, we will clear the Court to debate it.

L. *G. Sackville.* Sir, I did not mention it as an objection to clear the Court, or to prevent the truth coming out, I would not have deſired a trial if that had been the caſe. I never yet heard that it could be ſaid I was brought here by any other deſire than my own; therefore if I was to object to this, or any thing that tended to go to the bottom of the affair, I ſhould think I deſerved the worſt of puniſhments; the reaſon I mentioned it was for the dignity of the Court, and for the ſake of the method of proceeding in Courts-martial that the Generals who ſit here to judge ſhould aſk the opinion of ſo young a gentleman as Col. *Fitzroy!*— The witneſſes are to lay down facts for your information, and the judgement of the Generals is to decide upon them. Upon this queſtion every officer is able to determine, if infantry is broke upon a plain, and cavalry near at hand to ſuſtain them, there is no doubt but it would be of great ſervice;——ſuch queſtions of opinion cannot

not be for the information of the Court, but for the audience.

I am tried for diſobedience of orders, the queſtion is, did I obey or diſobey the orders of Prince *Ferdinand*? but whether the cavalry did or did not attack is not a charge upon me, but upon thoſe who gave me the orders.—When I have ſaid this, I hope I ſhall be equally indulged in being allowed the liberty of putting queſtions to the witneſſes, as to matters of opinion: the only reaſon that induced me to mention it was, that the dignity of the Court might not be ſo let down, as to form their determinations, their reſolutions upon Col. *Fitzroy*'s opinion.

Gen. *Cholmondely*. The queſtion I intended to aſk was, whether if the infantry had been broke unſupported by any cavalry, muſt not they, in your opinion, have ſuffered greatly if they had been purſued by the enemy?

A. I imagine ſo, as there were no troops to protect them whilſt they might have rallied.

Q. You ſaid that Lord *Granby* deſired you to obſerve that the right of the cavalry was not ſo much advanced as the left. Did you make the obſervation yourſelf?

A. I did obſerve it in coming up to Lord *Granby*, but not ſo ſtrongly as when called upon by Lord *Granby* to obſerve it.

Q. Was my Lord *George* at the head of the cavalry then?

A. I did not ſee my Lord *George*, but imagined that he was at the head of the right of the cavalry.

Lord *Albemarle*. How long was it from the time you delivered the Prince's orders to Lord *George*, to the time of Lord *George*'s ſending Capt. *Smith* back to the cavalry.

A. I believe a quarter of an hour from the time of my firſt delivering the orders to Lord *George*.

Q. Do you remember how long it was from the time of your firſt delivering the orders to Lord *George*, to the time of your returning to the Prince and making your report?

A.

A. From the laſt period I have juſt now mentioned, I had about 400 yards to go to the Prince.

Q. How far had Captain *Smith* to go back to the neareſt part of the cavalry?

A. 100 or 150 yards. It is only matter of opinion, it may be more or leſs.

Q. How near was the Prince to the ground the cavalry was to be brought up to, to ſupport the infantry, when you returned to him from Lord *George Sackville?*

A. I think he was upon part of the ground from whence the cavalry front might have marched in lines to ſupport the infantry, as he was then upon the ſpot, where the right of the infantry was firſt formed.

Q. How near was the Prince to the ground that the cavalry was to be drawn up upon, to ſupport the infantry?

A. He was upon the ground that I imagined the cavalry could have been brought to, in conſequence of my orders. I beg leave to obſerve, that when Lord *George Sackville* came up, he was going ſtill further to the right. Juſt at the angle of the little fir wood, whilſt I delivered my report to him, he kept riding on.

Q. Be poſitive whether that was the ground, aye or no? Was the Prince upon that ground?

A. I am certain that, in my opinion, it was the ground.

Q. What was the ſituation of the army when you returned to the Prince, I mean that part which the cavalry was to have ſupported?

A. I believe the *French* cavalry were coming down to charge them, or had actually begun to charge them, I do not know which.

Q. How long did the battle laſt after that before the enemy began to retire?

A. I did not look at any watch, I think an hour and an half, I am not certain; but I think I may venture to ſay an hour and an half before I ſaw them retire, I mean after my coming up to the Duke.

Q. Do you think if Lord *George Sackville* had immediately obeyed the orders you carried him to march with the *Britiſh* cavalry, only, that they could have

come up time enough to have ſupported the infantry, or to have engaged the enemy?

A. I think he might have come up time enough either to purſue the enemy's cavalry, as they were going of, or to attack the foot.

Q. Was the cavalry then going off?

A. I mentioned before, that they were coming down to charge or had begun to charge.

(Queſtion repeated.)

A. I think they could.

Q. You mentioned a little fir wood, Is that the wood we have ſo often heard of?

A. Another wood.

General *Leighton.* Did the *Britiſh* cavalry aſſiſt in the purſuit of the enemy, or give any aſſiſtance to our troops?

A. No.

General *Cholmondeley.* Did the cavalry ever charge any part of the enemy?

A. No.

Lord *Robert Manners.* What was the diſtance between the right of the *Britiſh* infantry and the wood, at the time they marched to attack the enemy, I mean the wood upon their right?

A. I ſhould be glad to know whether the queſtion means the wood upon the left of the *Britiſh* cavalry.

Q. Upon the left of the *Britiſh* cavalry at the time you left the Prince, when you ſaid they were marching briſkly on to attack the enemy. Or I will put it in this way.

At the time you left the *Engliſh* infantry, what diſtance was there between the wood and the right of the *Engliſh* infantry then marching to attack the enemy, the wood on their right?

A. When the *Britiſh* infantry formed, there was a fir wood upon their right in the front of *Napier*'s regiment, through which ſome platoons of that regiment and of the 2d line, which covered it, marched; from that time they kept inclining greatly to the left, which occaſioned that diſtance to vary, every ſtep they marched;

marched; but from their firſt forming I imagine it to be equal to a front of 4 or 5 battalions.

Colonel *Sloper* ſworn.

Q. What was your poſt in the cavalry on the day of the battle of *Minden?*

A. The corps of cavalry that I had the honour to command, was upon the right of the right wing of the cavalry.

Q. Was you from your ſituation there near Lord *George Sackville?*

A. I ſaw Lord *George Sackville* at the head of the regiment part of the time that it remained as I have mentioned.

Q. Declare the whole that paſſed from the firſt orders to the time they marched?

A. I ſhould be glad to know, whether the queſtion means to take me from the camp.

Q. From the camp from the firſt order you received?

A. I beg leave to obſerve, that I do not know the ranks of many gentlemen; I may call theſe Captains were not ſo, I am ſure of their names, but do not know their rank.

On the firſt of *Auguſt* early in the morning.

Q. Can you name the hour?

A. I ſhall mention now that I ſhall ſpeak throughout the whole narrative, whenever I ſpeak of times, to the beſt of my knowledge, not by a watch.

About four o'clock in the morning of the 1ſt of *Auguſt* Captain *Pence* called upon me at my tent, and told me that it was his Serene Highneſs Duke *Ferdinand*'s orders that the regiment ſhould ſtrike their tents and mount as ſoon as poſſible; adding, it was for action. I immediately went round the regiment myſelf, and ordered his Serene Highneſs's orders to be put in execution as ſoon as poſſible. The horſes were then ſaddled, the men booted and lain down in their tents. This had been done at one o'clock in the morning, agreeable to orders received the evening before. When the regiment had been mounted much about half an hour Lord *George Sackville* came to the head of it, and

ordered it to march. We marched to the ground the cavalry formed upon. Upon that ſpot. I heard Captain *Malhorti* (I am not ſure as to the name) aid de camp to his Serene Highneſs the Duke, give Lord *George Sackville* an order to form the line. Juſt after the line was formed Captain *Winſchingrode*, aid de camp to Duke *Ferdinand*, came up to Lord *George Sackville*, and told him in *French*, that it was the Duke's orders he ſhould advance to the left with the right wing of the cavalry, and form in a line behind the infantry. He repeated this order in the ſame language. He then ſaid, in *Engliſh*, that his Lordſhip was to form the cavalry in a line behind the infantry. My Lord ſaid, *Mais comment, mais comment.* At that time Captain *Winſchingrode* ſaid, moving his hand, you muſt paſs through thoſe trees. He ſaid, thro' the trees; that was the word I am certain. You will then arrive upon the heath; you will then ſee our infantry and the enemy. Captain *Winſchingrode* left my Lord. I heard my Lord ſay, I do not comprehend how the movement is to be made. Being ſo near to him I anſwered (I don't know that the queſtion was addreſſed to me) I ſaid it is very clear to me that it was to be made to the left by the right wing of the cavalry. His Lordſhip ſaid he would make it. For a quarter of an hour after that I did not ſee his Lordſhip. He then returning to the ſquadron that I was at the head of, ſaid, Sir, Colonel, put your regiment in motion. I ſaid, my Lord, to the left? I aſked him that queſtion. His Lordſhip anſwered, no, ſtraight forwards. The regiment moved a very few paces. Captain *Ligonier* arrived. He was then Captain *Ligonier*. He ſaid to Lord *George Sackville*, that it was the Duke's orders that he immediately advanced with the cavalry under his command, and that the movement was to the left. I then ſpoke to Captain *Ligonier*; as to what I ſaid the Court muſt tell me whether I am to go on.

Judge Adv. Yes, proceed.

Colonel *Sloper*. I ſaid, for God's ſake, Sir, repeat your orders to that man, that he may not pretend not

to

to underſtand them, for it is near half an hour ago that he has received orders to advance, and yet we are ſtill here.

Q. Who did you mean by the words, that man?

A. My Lord *George Sackville*. My oath obliges me to ſay all I ſaid. But you ſee the condition he is in.

Judge Adv. That was the continuation of your ſpeech.

Witneſs. Have I any thing to do with Captain *Ligonier*'s anſwer?

Judge Adv. If it was ſpoke in Lord *George*'s hearing you have.

Witneſs. I deſire to ſay nothing but what I am to ſay by oath; turning from Captain *Ligonier* towards my Lord *George Sackville*. I ſaw Colonel *Fitzroy* there. His orders I did not hear; but my Lord *George* ſaid to Captain *Ligonier*, Captain *Ligonier*, your orders are contradictory. He anſwered, in numbers, my Lord, but their deſtination is the ſame. Colonel *Fitzroy* and my Lord *George Sackville* quitted the front of the ſquadron I was at the head of. In about twenty minutes after that the cavalry moved to the left.

Q. You mentioned that when the regiment mounted, in half an hour Lord *George* came, and ordered it to march. By what means and at what time was Lord *George Sackville* informed of the meſſage you received from Captain *Pence?*

A. I do not know what orders my Lord had, but immediately after Captain *Pence* had given me the order, I there mentioned an orderly man from the Duke's quarters, the man was of the Blues, came to me, and told me he had a letter directed to the *Engliſh* Adjutant General, who he was ordered to find at *Bland*'s ſtandards. I anſwered, that the Adjutant General was not there, and he ſet out and carried the letter to the *Engliſh* head quarters. I do not know the order, nor do I know whether the letter got there. That is a circumſtance that happened; I hope it is not wrong to relate it: ſpeaking of time it could not be five minutes between the orderly man and Captain *Pence*.

Q. You

Q. You mentioned that for a quarter of an hour, Lord *George Sackville* was abſent, you did not ſee him, Do you know where his Lordſhip was, or what he was employed in?

A. I do not know, but I concluded him gone to the left to put the cavalry in motion.

Q. You have ſaid that Lord *George Sackville* ordered you to march ſtraight forward, and that Captain *Ligonier* and Colonel *Fitzroy* came. What diſtance of time was there between Captain *Ligonier*'s arrival and Lord *George Sackville*'s going away with Colonel *Fitzroy?*

A. A quarter of an hour I think.

Q. You made uſe of an expreſſion to Captain *Ligonier*, that you ſee the condition he is in. I am afraid I am under a neceſſity of aſking you the condition; What did you obſerve of Lord *George Sackville* when you ſaid to Captain *Ligonier* you ſee the condition he is in, or what did you allude to by that, I am under a neceſſity of aſking you?

A. I am very ready to anſwer the queſtion, but you will pleaſe to obſerve, that the anſwer muſt be matter of opinion.

Judge Advocate. It is certainly matter of opinion, But it is collected from a circumſtance that the witneſs ſaw. I am under the directions of the Court in this.

General *Cholmondeley.* That opinion muſt be aſked, both in regard to the Court and the priſoner, nobody can tell what conſtruction to put upon it.

Witneſs. My opinion is, that my Lord *George Sackville* was alarmed to a very great degree. When his lordſhip ordered me to advance, he ſeemed in the utmoſt confuſion. The original order was to the left; Captain *Ligonier*'s order was to the left. The cavalry afterwards made a move to the left, and the order his Lordſhip had given me, was to move with the regiment ſtreight forwards.

Q. You

Q. You have ſaid that in about twenty minutes after Lord *George Sackville*'s going away, the cavalry moved to the left, when did they move to the left?

A. They moved through the grove of trees mentioned by Captain *Winſchingrode*.

Q. How far was it from the place where they were put in motion there to the grove?

A. The left of the right wing of cavalry ſtood cloſe to the grove, from the right ſquadron of *Bland*'s regiment to the heath on the other ſide of the grove, I judge to be a mile.

Q. What ſort of ground was it to the wood, and from the wood to the heath?

A. To the wood it was corn fields. I think arable land; the grove was open. A ſquadron might go through it in front, and at any pace a General officer would chooſe to lead it. The heath itſelf was not like the generality of heaths in *England*. It was a light duſty ſort of ſoil, quite bare. The ground was rough, but there was no more heath than there is graſs upon the ground.

Q. Did it appear to you, that there was any circumſtance that impeded the marching upon the heath ſooner?

A. None appeared to me.

Q. Did they march upon the heath?

A. Upon the heath. They formed upon the heath.

Q. Did you afterwards march further?

A. A conſiderable time after we formed, we advanced forwards.

Q. How far?

A. I cannot ſpeak as to the diſtance. I ſaw our infantry advancing a great way before us. I could ſee their hats and diſtinguiſh their arms.

Q. Could you diſtinguiſh at that diſtance, whether they were engaged?

A. I cannot ſay, I imagined they were following the enemy.

Q. From the diſtance the infantry then appeared to be, if Lord *George Sackville* had cauſed the orders firſt given

given by Captain *Winſchingrode*, immediately to be put in execution, do you apprehend the cavalry would have arrived time enough to have ſupported the infantry, or to have engaged the enemy?

A. From the great ſpace of time there was between Captain *Winſchingrode*'s orders, and the movement of the cavalry, and from the very ſlow movement of the cavalry after they were in motion, from the ground I ſaw they had to go over, to arrive in the rear of the infantry; I am certain they muſt have been in time.

Q. Do you apprehend, from the time of Colonel *Fitzroy*'s coming to Lord *Sackville*, as he came later than Colonel *Ligonier*, if either the orders brought by him or by Colonel *Ligonier* had been carried into execution immediately, that the cavalry could have come up time enough to have ſupported the infantry, or to have attacked the enemy.

A. I think they could, had the cavalry moved as quick as cavalry may do when the occaſion for it preſſes.

Judge Advocate. Reads over his evidence.

Q. Is that what you have ſaid?

A. Yes.

Lord *G. Sackville.* Sir *Charles Howard*, if I may be allowed to ſay a few words touching this gentleman's evidence before I go any farther.

General *Cholmondeley.* I am never againſt any indulgence to the priſoner.

Lord *G. Sackville.* It is a little hard for me to be ſitting here, and have a witneſs come againſt me with an opinion of this nature, and I forced to remain entirely ſilent. I ſhall only ſay a few words. This ſort of attack, I never heard before, from any one gentleman whatever, excepting from the private inſinuations of this gentleman now before the Court; I have heard of it ſince he has been in *London*, I am glad that he has mentioned it in Court, I ——

Lord *Albemarle.* Your Lordſhip will have an opportunity of obſerving upon that in your defence; but I am afraid we are going into an irregularity.

Lord

Lord *G. Sackville.* I will only ſay now that I ſhall prove my conduct that day with regard to every branch of it, and I ſhall ſhew that gentleman to the Court in ſuch colours for truth and veracity.

Lord *Albemarle.* My Lord, this is being irregular.

Lord *G. Sackville.* Your Lordſhip may imagine what I muſt feel upon ſuch an occaſion; and it is difficult not to expreſs it inſtantly.

Lord *Albemarle.* I am very ſenſible of what your Lordſhip muſt feel, and ſorry to interrupt; but the courſe of proceeding———

Lord *G. Sackville.* I ſubmit to the opinion of the Court, and muſt beg leave to ſuppoſe, for the preſent, that no ſuch evidence has been given. I ſhall now go on, as if nothing of this ſort had happened, and ſhall treat that gentleman in that part of his evidence with the contempt it deſerves.

Q. Who was preſent when the orders you mentioned to be brought by Captain *Winſchingrode* were delivered?

A. I do not particularly remember, I was attentive to the orders, and anxious for the execution of them.

Q. You ſaid the order was given in *French*, and afterwards explained in *Engliſh*; repeat the firſt order?

A. It is his Serene Highneſs's, or the Duke's orders, that you ſhould advance towards the left with the right wing of cavalry, and form it in a line behind the infantry.

Q. Did he explain that order to Captain *Huge*, my *Hanoverian* aid de camp?

A. I think I remember Captain *Huge* being preſent, I am not certain, but rather believe Captain *Winſchingrode* ſpoke to him; I know not what he ſaid.

Q. Are you ſure that I gave no orders immediately in conſequence of Captain *Winſchingrode*'s having been with me?

A. I am ſure we did not move, and I am certain that I did never hear of any orders his Lordſhip gave,

in conſequence of thoſe received from Captain *Winſchingrode*.

Q. What was the diſtance of time between Captain *Winſchingrode*'s and Captain *Ligonier*'s coming? be as exact as you can.

A. I ſpoke before of the diſtance of time, and then I meant the time of Captain *Winſchingrode*'s going. I anſwer, a quarter of an hour from the going of Captain *Winſchingrode* to the coming of Colonel *Ligonier*.

Q. Do you recollect who was with me when I held any converſation with you that day at either of the times?

A. When I ſaid that the movement to the left muſt be made by the left of the right wing, moſt probably the ſame people were by who were preſent when M. *Winſchingrode* gave the orders: I declare I do not, during the courſe of the day, remember who was, and who was not preſent: if I had then known it was neceſſary, as I had but little employment, I ſhould have particularly noticed it.

Q. When did you firſt after the battle mention my having diſobeyed Captain *Winſchingrode*'s order, and to whom?

A. I mentioned the order M. *Winſchingrode* had given his Lordſhip to many people, to ſo many that I really do not recollect who I began with, nor exactly to whom; but I am very certain that to every one I mentioned it to I did it in words to the ſame purpoſe, and it had ſo very ſtrongly ſtruck me, that I am morally ſure I uſed the ſame words that I have done to the Court.

Q. Deſcribe the ground that the cavalry was drawn up upon, or their ſituation when the orders came by Captain *Winſchingrode*.

Lord *Albemarle*. He ſaid the left of the cavalry was cloſe to the wood, and the right a mile's diſtance.

Witneſs. I can ſpeak to the ground the regiment ſtood upon, marched over, and the ground we formed upon

upon again. I did not range the cavalry nor infantry; I cannot ſpeak to the general poſition of the army.

Lord *Albemarle*. If you do not know it that is an anſwer, and ſay ſo.

Q. Deſcribe the ground they were drawn up upon, and what was upon their right, their left, and their front?

A. On their right an incloſure, and the village of *Hartum* at ſome diſtance. Upon their left the grove before-mentioned, and in their front a windmill, by which was a battery of ours. Some of the incloſures were forwarder in the plain, ſo as to reach about the center of *Bland*'s.

Preſident. Has your Lordſhip any more queſtions to aſk?

Lord *G. Sackville*. I ſhall aſk no more queſtions of this witneſs, ſince they only tend to declamation.

General *Cholmondeley*. It is impoſſible to go through with Colonel *Sloper* now.

Then the Court adjourned till to-morrow ten of the clock, and Colonel *Sloper* was ordered to attend.

HORSE-GUARDS, *March* 11, 1760,

At a COURT-MARTIAL there held by Adjournment.

Fifth Day's Sitting, on the Trial of L. *George Sackville.*

PRESENT,

Sir *Charles Howard*, Preſident; and the reſt of the Members as Yeſterday.

Lord *George Sackville* was ordered into Court.

Evidence for the Crown continued.

Colonel *Sloper* called in again.

LORD *Albemarle*. I think you ſaid yeſterday, that the cavalry you commanded was ſaddled at one o'clock. Was all the cavalry ſaddled at one?

A. I believe they were, becauſe they were ready to turn out, and were turned out.

Q. Was the next regiment to you ſaddled?

A. They were ſaddled, I ſaw them; the next regiment to General *Bland*'s. I did not ſee the regiment at one. It was the orders that they ſhould ſaddle; I did ſee them ſaddled and booted at three, as I mentioned yeſterday, the men were in their tents. The orders being for one, I conclude they were ſaddled at one.

Q. Was you near enough to the other columns to ſee if any of them was in march before Lord *George Sackville* came to the head of the column of cavalry?

A. I did not ſee when they marched.

Q. Did you ſee them upon the march?

A. I

A. I ſaw the columns once upon the march. I ſpeak very uncertainly.

Q. Was you near enough to any of the columns to ſee if any of them was in march before Lord *George Sackville* came to the head of the cavalry?

A. I did not ſee them march, I was buſy with the regiment, and did not ſee the other columns.

Q. Do you think that any time was loſt in the march of the columns of cavalry by Lord *George Sackville*'s not coming to it ſooner, which probably he would have done if he had been properly informed from the camp of the four o'clock orders?

A. Half an hour was loſt. I ſpeak of time in the ſame manner as I did yeſterday, not by my watch.

Gen. *Cholmondeley.* Did you ſee the columns of foot in motion, I mean moving from their encampment?

A. No.

Q. In what manner did the cavalry march from the head of their encampment to the ground where they firſt formed?

A. From the head of the encampment from the right, by quarter ranks, after paſſing through a lane and the country opening they formed in ſquadrons, marched in ſquadrons, till they arrived on the ground where they were ordered to form the line. The line was formed to the front. The line was formed the way they marched. The firſt ſquadron paſſed the other, and doubled up to the left.

Q. Was the march regular, and a proper diſtance kept between ſquadron and ſquadron, and proper intervals preſerved?

A. The march was exceedingly ſlow, I was at the head of the column, and knew nothing what intervals were preſerved behind.

Q. You ſay the march was exceedingly ſlow, pray explain what is meant by marching exceedingly ſlow?

A. I do not know how to deſcribe ſlow otherwiſe than ſlow, the horſes did not half ſtep out.

Q. Did

Q. Did they walk out, go a little trot, or a full trot?

A. They did not walk out, they did not above half ſtep out.

Q. I ſhould be glad to know, whether when a line of cavalry is marching by quarter ranks, and they double up to half ranks, and afterwards form in ſquadrons, where the ground will permit their doing ſo, does it not haſten the march?

A. Certainly, it is a general queſtion, when they are obliged to change their order again to leſs ranks, then I think it retards the march.

Q. I ſhould be glad to aſk you to a matter of opinion, to explain ſome evidence you gave yeſterday; which was, that if Lord *George Sackville* had moved as ſoon as he received orders from Colonel *Fitzroy* and Colonel *Ligonier*; whether he could have come up time enough to have charged the enemy, or ſupported the infantry? Your anſwer is, you think he could, had the cavalry moved as quick as cavalry may do when the occaſion for it preſſes; you are to underſtand the degrees of ſwiftneſs. I have ſeen cavalry move ſo quick that they could not move at all afterwards. Some we had in training, they are all gone now. Now I deſire to know, whether you mean by quickneſs, whether they muſt have gone a little trot, a full trot, or a very hard gallop, to have come up in time to charge the enemy or ſupport the infantry, after receiving Colonel *Fitzroy*'s and Colonel *Ligonier*'s orders for that purpoſe?

A. I think a trot would have done it, and not a very faſt trot; but had the front gone faſt enough to have obliged the regiment I commanded to have gallopped, I think it would have come up fit for buſineſs, and would have beat any three *French* ſquadrons it could have met with.

Preſident. You gave an account of marching in quarter ranks and doubling up. How far is the ground

where

where the cavalry was firſt formed from the head of the encampment?

A. I ſhould think, in my opinion, it is only opinion; about two miles and an half, or three miles.

Q. When did Lord *George* come up to the head of the cavalry to where they formed?

A. He was at the encampment; Lord *George* marched them from the camp to that ground.

Q. How far do you imagine that ground that you formed upon was from the rear of the infantry?

A. A full mile.

Q. How near did you come to the infantry when you halted from the march?

A. I ſaid yeſterday I could not judge of the diſtance.

Q. I mean to the laſt marching, the very laſt march you made, how near?

A. At the laſt of all we cloſed the infantry under the walls of *Minden*, that was after all was over.

Q. At what time was that?

A. I cannot tell, nine or half an hour after nine.

Q. How near was the cavalry to the infantry when the cavalry had finiſhed their march, the laſt march you made?

A. Some were about 100 yards, as near as they could be, as they were directed to be.

Q. The action was then over?

A. The cavalry was then diſmounted.

General *Cholmondeley*. You ſaid you was preſent, when M. *Winſchingrode*, Colonel *Ligonier* and Mr. *Fitzroy*, brought the orders. Now I would aſk you, whether the orders brought to Lord *George Sackville* from Prince *Ferdinand* by Captain *Winſchingrode*, Colonel *Ligonier* and *Fitzroy*, were ever put in execution?

A. Colonel *Fitzroy*'s orders I have ſaid, I did not hear; Captain *Winſchingrode*'s and Captain *Ligonier*'s orders were a quarter of an hour a-part; I have ſaid that Captain *Ligonier* was a quarter of an hour with

Lord

Lord *George Sackville*, and that the cavalry did not move till twenty minutes after Lord *George Sackville* left them with Mr. *Fitzroy*. The right of the cavalry I mean; ſo that in about three quarters of an hour after the firſt order, meaning Captain *Winſchingrode*'s, the cavalry moved to the left; which is every thing I know of obedience, or tending to obedience, of any orders I heard delivered.

General *Cholmondeley*. This is no anſwer to any queſtion; I deſire the evidence may be read; to ſee what the orders were.

Evidence read.

Q. Was the cavalry ever formed in a third line behind the infantry after the orders given by Prince *Ferdinand* for ſo doing were received?

A. In a third line I cannot ſay? The cavalry was formed behind the infantry at the great diſtance I have previouſly mentioned, and this muſt be an hour and a quarter after Captain *Winſchingrode*'s orders.

Q. Do you know whether at that time the battle was, or was not over?

A. The enemy was beat, and I have previouſly mentioned that when I ſaw the infantry, I thought they were following them.

Q. I ſhould be glad to know of you, whether the *Britiſh* cavalry was ever near enough to have engaged the enemy, or to purſue with any proſpect of ſucceſs?

A. The *Britiſh* cavalry was never brought near enough to ſee the enemy; I am certain they might have been brought near enough to have engaged them. I have ſaid ſo in my anſwer about obedience to Captain *Winſchingrode*'s orders.

Lord *Robert Bertie*. When you marched through the wood upon your left, could you have marched more than a ſquadron a-breaſt?

A. I ſaw nothing to prevent going through in any front that might have been choſen.

Q. When you marched and got through the wood, did you find the ſecond line of cavalry there?

A. We

A. We did; it was conſiderably before us who had been the firſt line. It was fronting the enemy, and moving on, I mean, by that formed.

Q. How long had the 2d line been moved before yours got thro' the wood?

A. I do not know.

Gen. *Cholm.* You ſay the 2d line was conſiderably before the 1ſt, and form'd fronting the enemy, and moving on, what ſtopped the 2d line, what hindered their moving on?

A. There was no impediment of ground, or any thing of that nature; but what had ſtopped them I cannot tell.

Q. You ſay the 1ſt line ſtopped, by which the 2d line became the 1ſt line. Did the 1ſt line, now become the 2d, follow the 2d line then as they were paſſing towards the enemy?

A. They form'd in a line with it, when the other halted. The 1ſt line form'd in a line with the 2d, when the 2d halted.

Q. Upon the right of it?

A. Yes.

Q. Then you were in one line?

A. Then we were in one line again, as well as I could ſee from the ranks.

Q. You ſaid the 2d line was marching towards the enemy, and they ſtopped of themſelves; when they ſtopped, the 1ſt line moved up, and there formed upon the right, and then you became one line.

A. Yes.

L. *R. Bertie.* When they were formed in one line, did they march on?

A. We moved on ſlowly.

Q. Do you think ſlower than the 2d line was marching before, or about the ſame pace?

A. As the movements of the 2d line had appeared to me, much ſlower.

Q. How did they come to be halted; you ſay the 1ſt line joined upon the right of the 2d line, and they marched on ſlowly: Were they halted or not?

A. I do not know ; I do not recollect the particular circumſtance.

Q. How far did they march?

A. They marched but a little diſtance ; they never got near the infantry till juſt before we diſmounted a little before.

L. *Harrington.* Was it from the diſtance that the infantry was from you, after you was drawn up upon the heath and moving forward, or the unevenneſs of the ground, that you could not diſcover any thing but the hats of the infantry?

A. The ground was exceedingly good and plain; it was from the diſtance, — it muſt be the diſtance.

Q. How far do you imagine you could ſee with your eye ſo as to diſtinguiſh ſuch a body of infantry?

A. I do not know how far I can ſee infantry upon a plain, but I ſaw them as far upon that plain as upon any other I ever obſerved.

Q. As to the diſtance?

A. I can't ſpeak to the diſtance.

Gen. *Cholm.* After they were drawn up upon the heath, was it the diſtance or the inequality of the ground that prevented your ſeeing any thing but their hats? You ſay the ground is even, and conclude it muſt be the diſtance. If the ground is even you would ſee the whole man ; if you are in a plain you can ſee 1, 2, or 3 miles.

A. I muſt beg leave to explain myſelf. By a plain I do not mean a place ſo exactly even as to bowl upon ; there may be dips in the ground, tho' it is ſtill called a plain for action ; by a plain, I do not mean a plain exactly level in every reſpect : I mean what would be called even ground for troops in action, and what is generally called in action a plain, a fine plain for cavalry to act, and a moſt uncommon one. I muſt beg leave to obſerve to the Court, that what I chiefly expreſſed of ſeeing the infantry was the glittering of their arms ; I ſaid I could diſtinguiſh the glittering of their arms, and I think I could juſt ſee their hats.

Witneſs. I would juſt ſay a word upon what was

mentioned yesterday by Lord *George:* he reflected upon me.

President: You have nothing to do but to give your evidence: The court stopped Lord *George* from saying any thing about that.

Witness. I would just go as far as Lord *George* did.

President. You are not to say any thing but your evidence.

Judge Adv. The next witness I propose to call is Mr. *Derenthall*, touching an order delivered to him to carry Lord *George*; I understand it was not delivered, but the use intended to be made of it is to shew the impatience of the prince.

L. *G. Sackville.* Sir, I am very unwilling to object to any evidence called on the part of the crown: but as the judge-advocate has opened that he never delivered the orders to me, I think it will only take up time to call him. I have no other objection to him.

Judge Adv. The court will know whether he delivered the orders or not; it does not at all appear.

L. *G. Sackville.* I did not begin the objection, it is what came from the judge-advocate. If you go into this sort of evidence there never will be an end of the trial: I don't state any objection, if the court thinks proper to hear this evidence.

Mr. Derenthall *sworn.*

[*Mr.* Le March *sworn as an interpreter.*]

Judge Adv. It is proper to acquaint him that the court is perswaded that he is apprized of the nature of an oath, and the consequences of it in case he is perjured, and the punishment to be inflicted.

Q. Was you or not Aid d' Camp to Prince *Ferdinand* on the day of the battle of *Minden?*

Mr. Le March *interprets the answer.*

A. Yes, I was Aid d' Camp to Prince *Ferdinand* at the battle of *Rosbach*, and I came from the *Prussian* army with Prince *Ferdinand* after that battle, and I have been so ever since.

Q. Do you remember receiving any orders from Prince *Ferdinand*, to carry to Lord *George Sackville*,

for the advancing of the cavalry, that day?

A. Yes, I received ſome about the latter part of the action.

Q. What were the orders?

A. As I was coming back from the foot from *Brudenell*'s regiment, having been during the whole action with the attack of the infantry, I returned to Duke *Ferdinand* to tell him the ſucceſs which our arms had had that day, expecting that victory had declared itſelf already for us: I was not preſent at all the other orders given, conſequently I had no connexion with them. The Duke turned himſelf to look towards the cavalry, and (not being able to diſtinguiſh what they were doing) he told me, I do not know what Lord *George Sackville* is doing there; endeavour to haſten him here: Such was the expreſſion of the Duke. Upon which I run immediately to meet Lord *George Sackville*, I remember I aſked ſome officers, who paſſed by me, where my Lord was; I ſaw Col. *Fitzroy* paſs at ſome diſtance; but as I had ſo many things in my head then, you will excuſe me for not being able to tell who they were nor what I ſaid. I ſaw my Lord coming up towards us, and thinking that the Duke would explain his own ideas better than I, I went back immediately to deſire the Duke to ſtop; that Lord *George* was coming up to him; fearing, without that, the Duke being obliged to be every where, ſhould go too far for my Lord to find him. The Duke ſeeing my return, without waiting for my anſwer, ſaid to me, How, will he not come, I do not underſtand the meaning of this. I anſwer'd, Lord *George* is coming himſelf to your Highneſs, for I have ſeen him. I did not ſtay till my Lord came up to the Duke, becauſe I was ſent immediately to carry another order to Lieut. Gen. *Imhoff*, who was there on the left; the Duke came there ſoon after me, and the affair was over.

Q. What do you mean when you ſay, the Duke not being able to diſtinguiſh the cavalry, that he did not ſee them, or did not know what they were doing?

A. The cavalry was too far off to diſtinguiſh its motions;

tions; I ſaw it on the plain, but could not diſtinguiſh what they were doing.

Judge Adv. It appears thathe was not preſent on any orders being delivered: It appears he returned to the duke before L. *G. Sackville* came, and was diſpatched away before L. *George* arrived; therefore I ſhall aſk him no more queſtions.

Col. Pitt *ſworn.*

Q. Where was the cavalry under your command poſted, when the troops were firſt formed after the marching from their encampment, upon the day of the battle of *Minden?*

A. It was in the 2d line: To be more particular, the center regiment of the right brigade.

Q. At what time of the day did the cavalry ſtrike their tents and mount?

A. I cannot ſay I can be very particular as to time, becauſe I did not look at my watch, but I believe it was about half an hour after four.

Q. Do you know by whoſe order that was done?

A. By an order brought by Mr. *Pence*, an aid de camp of duke *Ferdinand.*

Q. Do you know any thing of that order being communicated to Lord *George Sackville*?

A. No.

Q. Did your ſituation enable you to know of any orders delivered to Lord *George Sackville* that day?

A. No, it did not.

Q. How long was it after the cavalry was formed before they marched: After they marched from the encampment, and formed, before you marched from the ground where you firſt formed?

A. We remained at the head of our lines, after we formed, about a quarter of an hour.

Q. But after you formed, how long did you remain before you marched?

A. I believe between half an hour, or three quarters of an hour; I did not look at my watch: Near three quarters of an hour, I cannot be particular.

Q. Do

Q. Do you know of any impediment or obſtruction to prevent the cavalry's marching ſooner, ſuppoſe there had been an order for that purpoſe?

A. No impediment at all.

Q. When you marched, what was the movement? How did you march?

A. We marched from the left by ſquadrons.

Q. Pleaſe to deſcribe the ground over which you marched?

A. About 200 yards upon our left, we had an open wood to paſs, an open grove more likely than a wood.

Q. Was you in the 2d line of the whole cavalry?

A. Yes. The wood was a quarter of a mile at moſt broad, the part that we marched through. We marched through the wood in ſquadrons. On the other ſide of the wood we came out into a large open corn field, cloſe to the wood, which laſted at moſt 2 or 300 yards more, then we came out upon a large open plain or heath.

Q. What paſſed when you came out upon the heath?

A. After we paſſed the wood, about a quarter of a mile, we had orders to halt and draw up: We remained there, in that poſition, for I believe about 10 minutes. We then had another order from L. *Granby*, for his brigade to follow him, upon which we wheeled to the left by ſquadrons, and trotted on, I believe, about 300 yards. At that time I received an order from an aid de camp of L. *G. Sackville*, (I believe it was Capt. *Lloyd*, but I am not ſure) to halt. The left went ſo faſt, that the right could not keep up with them. I told the aid de camp, I received my orders from L. *Granby*, and if I was to halt, he muſt go to the front and acquaint him. The aid de camp proceeded on to the front, in conſequence of which we were halted. We remained there, I believe, about a quarter of an hour halted, during which time the line was formed.

Q. How was the line formed?

A. In

A. In one line: I could not ſee quite to the right, the right was interrupted by a wood. The regiments to the right could not form in a line: Then we proceeded very ſlowly over the field of battle that the infantry had been engaged on.

Q. How far did you go?

A. I believe about a quarter of a mile, near half a mile.

Q. Did any thing happen to ſtop them at that time?

A. We then wheeled to the right by ſquadrons, and took the laſt poſt that the cavalry had that day, that was about three quarters of a mile from the fir-wood. I believe about three quarters of a mile where we wheeled.

Q. Could you diſtinguiſh our infantry when you came upon the plain?

A. Very plain: They were but half a mile at moſt from us, when we came up.

Q. Could you diſtinguiſh whether they engaged with the enemy?

A. I could not diſtinguiſh that far: I heard ſeveral cannon fire. I could not ſee whether any platoons fired: I could ſee the ſecond line, not the firſt, the view was interrupted by the ſecond.

Q. Were they in motion?

A. They were in motion, advancing forwards.

Q. What was the diſtance from the place where the cavalry marched, from were they formed to the place where you was to have drawn up upon the plain?

A. A mile at moſt from where we were drawn up to the fir-wood. I underſtand it means where we were drawn up in 2 lines.

Q. Can you judge of the diſtance it was from the place where the cavalry was formed on the camp ſide of the wood, to the place where they were drawn up on the heath? About a quarter of a mile out of the wood, the firſt time they were drawn up?

A. I

A. I think about half a mile, if you mean the firſt poſition that was made on the ſide of the wood.

Judge Adv. I mean that.

Q. What was the diſtance from that ſpot to the place where the cavalry was to have drawn up to have ſupported the infantry in the rear of the infantry?

A. I ſuppoſe the queſtion means from where the infantry was engaged?

Judge Adv. It does.

Witneſs. Three quarters of a mile.

Queſtion repeated.

A. That is a queſtion I cannot well anſwer: The infantry was moved off at that time from the place we ſhould have been in, if we had been up ſo ſoon as the duke expected, from the firſt poſition we took after we were out of the wood; there were two different poſitions, the infantry was farther advanced a quarter of a mile, from the place where the infantry appeared to be engaged, it was, I ſuppoſe, about three quarters of a mile.

Q. Had you any reaſon to think, that any orders, delivered to L. *G. Sackville* that day, were not put in execution ſo ſoon as they might, or ought to have been done?

A. Our movements were extremely ſlow the whole day, but as I was not preſent with L. *G. Sackville*, at the time he received any orders from Prince *Ferdinand*, I can't poſſibly be a judge how far any orders might, or might not have been executed ſooner by L. *George*, from the time L. *George* received them.

Q. You have ſaid you knew of no impediment to the cavalry's marching ſooner, ſuppoſing an order for that purpoſe, from the time you did march, ſuppoſing an order to have then been for advancing, to have ſuſtained the infantry, or to have engaged the enemy, do you think that the cavalry might have marched quicker than they did, and yet have been in a proper condition for ſervice?

A Certainly much quicker.

Q. And

Q. And have been in a proper condition for ſervice?

A. Yes.

Q. Was you at any time upon the march, ſo near L. G. *Sackville*, as to have any opportunity of converſing with him?

A. My L. G. *Sackville* came once between the wood and the field of battle where the infantry was engaged, near the front of the regiment I had the honour to command, upon which I went up to his Lordſhip, and wiſhed him joy of the day's going ſo much in our favour.

Q. From any converſation that then paſſed with L. *George*, or any thing that appeared to you, or any other circumſtance, did you obſerve any thing from which you at that time formed to yourſelf a judgment of his having, or not having advanced the cavalry as expediouſly as he might have done?

A. I had no converſation with him: As to the other parts, it ſeems matter of opinion. I ſhould be glad to know, whether I am to anſwer it.

L. *Albemarle.* It is an improper queſtion, but it has been aſked before.

L. G. *Sackville.* At what time in the morning were the horſes ſaddled that you commanded?

A. At one o'clock.

Q. In how long after you had formed and mounted, did you march from the encampment?

A. In a quarter of an hour.

Q. When you firſt came out upon the heath, did you imagine the engagement was over?

A. No.

Q. Did you ſee any other part of the wood than that through which you paſſed, or do you know any thing of it?

A. No. I did not ſee any other part of it than that.

Q. Did you ſee where the firſt line of the cavalry paſſed through the wood?

A. The 2d line was ſo far advanced, that I could not ſee where the 1ſt line paſſed through.

Q. Do you remember, whether, in going over the field of battle, there was any obſtruction from the killed and wounded?

A. To avoid treading on the wounded men, we found ſome difficulty, but none over the killed.

Q. L. *Albemarle.* Did you ſee any of the columns of infantry march before the column of cavalry commanded by L. *G. Sackville* began their march?

A. There was a fir-wood, an obſtruction between the infantry and the 2d line of cavalry, which prevented our ſeeing them.

Q. You ſaid that L. *Granby* formed after you was through the wood, that you lay in that poſition 10 minutes. Did the cavalry of the 1ſt line join you before you began your march again?

A. I ſaw the *Hanoverian* grey guards which were in the right of the firſt line. I ſaw part of them come up; I did not ſee any other.

Q. They were coming up before you began your march again?

A. Yes. The *Hanoverian* grey guards.

Q. How far did the 2d line of infantry appear to you to be off, from the firſt poſition that your brigade took, after paſſing the wood?

A. I could not ſee the line of infantry from our firſt poſition: It was the 2d poſition that I ſaw it; there was a fir-wood between us in the firſt poſition.

Q. You ſaid that L. *Granby* ordered the brigade to the left in ſquadrons, from the firſt ground through the wood? After forming, would not the ground admit the marching in lines?

A. Yes.

Q. You ſaid, that when they marched from the firſt poſition they took, L. *Granby* ordered them to wheel to the left, in ſquadrons, and march?

A. Yes.

Q. I deſire to know, from the firſt poſition L. *Granby* took, after he had paſſed the wood, whether the ground

ground would not admit of their marching in a line?

A. There was a wood about 300 yards in front of us, which would have prevented it. I imagine, the reaſon was to give room for the firſt line to form upon our right. We likewiſe moved to the left by ſquadrons, I apprehend, in order to make room, as I ſaid, for the firſt line to form between the ſecond and the wood.

Q. When the two lines of cavalry were formed into one, and moved forward, who led them?

A. I ſay no-body; no general, but my L. *Granby* was upon the left, rather at the front of what had been originally the 2d line, and general *Elliot* who commanded the brigade I belonged to.

Q. L. *G. Sackville* might have been upon the right of the line, and you not have ſeen him?

A. Certainly: *Bland's* regiment, which was upon the right, never came quite up with us. There was not room for them, till we had paſſed the fir-wood.

Q. Did you look upon *Bland's* regiment to have been L. *G. Sackville's* poſt?

A. I ſaw him no where, but at the head of that regiment, that was where we went to his Lordſhip when there were any orders.

Gen. *Cholm.* You know of no orders that were brought to L. *G. Sackville?*

A. I was not preſent when any were brought.

Q. Was you preſent when any orders were delivered to L. *Granby*, by any of Prince *Ferdinand's* aid de camps?

A. I was not preſent when any orders were delivered to L. *Granby*, by any of prince *Ferdinand's* officers.

Q. How did it happen that the 2d line marched through this wood, and formed before the 1ſt line?

A. It was by L. *Granby's* order, that the 2d line marched: What orders L. *Granby* had for that, I do not know. He commanded the 2d line, and gave orders for the 2d line to march to the left. He gave us

an order to march, and we did march through the wood, and formed on the other ſide of the wood.

Q. Then this was in conſequence of L. *Granby's* orders, and not in conſequence of any he received?

A. I do not know of any he received.

Q. Did the cavalry ever form in a 3d line behind the infantry near enough, or in order to ſupport them?

A. No; not the whole day.

Q. Was the cavalry at any time that day near enough to have engaged the enemy, or to have purſued with any proſpect of ſucceſs?

A. I was never near enough the enemy to ſee them that day, till they were making their retreat to *Minden.*

Q. You ſay, L. *George* marched ſlowly; I dare ſay, as much as poſſible to prevent confuſion: I therefore deſire to know, whether at any time, whenever Lord *George* marched at the head of a line of cavalry, he did not march them ſlowly, in order to prevent confuſion, I do not mean particularly that day?

A. His Lordſhip always marched very ſlowly in all marches.

Lord Granby *ſworn.*

Q. How long had the cavalry of the right wing been formed when they firſt marched from the place where they were formed in 2 lines the day of the battle of *Minden*, not from the encampment, but from the 1ſt poſition they took from their camp?

A. From the time that they were drawn up and formed in 2 lines, to the time that I gave orders for the 2d line to march thro' the wood to the left, I believe it was about 20 minutes or 25, from the time they formed to the time I gave them orders to march.

Q. To what part of them did you give orders to march?

A. The whole of the 2d line.

Q. Did your ſituation admit you to know if there were any orders delivered that day to Lord *George Sackville?*

A. Not

A. Not from hearing any orders delivered myſelf; I did not hear any; but I ſaw Capt. *Winſchingrode*, who came up to the 2d line, going as he told me with orders to Lord *George Sackville*.

Q. Do you know of any impediment to have prevented the cavalry's marching ſooner, ſuppoſing Lord *George* to have received an order for that purpoſe?

A. I ſaw no impediment, when in conſequence of Capt. *Winſchingrode*'s coming to the 2d line a 2d time, I marched with the 2d line of cavalry to the left.

Q. What did Capt. *Winſchingrode* ſay to you upon that occaſion?

A. I heard ſomebody call out to know where Lord *George Sackville* was.

Q. The queſtion means the ſecond time he came.

A. Capt. *Winſchingrode* came up to me and ſaid, "For God's ſake how comes the cavalry not to have march'd; I carried orders to Lord *George Sackville* to march with all the cavalry of the right wing to the left, in order to form one line to ſupport the foot, and I find he has not yet moved; they are in the ſame place:" Words to that effect. It was in conſequence of this information that I received from him in paſſing, that he was going with theſe orders to Lord *George*, that I did, as I told him I would, put the 2d line of cavalry in motion,—my cavalry. I received no orders from Lord *George*. Major General *Elliot*, who had been ſent for by Lord *George*, came back and informed me that I was to remain where I was; that Lord *George* would immediately ſend me an order. General *Elliot* went in conſequence of this and halted the brigades of the 2d line.

Q. How ſoon after did you march with the 2d line?

A. Immediately upon Capt. *Winſchingrode*'s ſaying that it was abſolutely neceſſary that the cavalry ſhould march to form a line to ſupport the foot; I told him I would give orders to the 2d line to march, and I begg'd he would go to Lord *George Sackville* to acquaint him with it, leaſt there ſhould be any miſtake. I immediately marched to the left thro' the wood in conſequence of his orders.

Q. Did

Q. Did you receive any orders directly from Prince *Ferdinand*; any order brought in the name of Prince *Ferdinand* by any Aid d' Camp?

A. Col. *Fitzroy* came to me juſt as we had got to the place where the action firſt began.

Q. You mean to the cavalry of the 2d line?

A. Yes; I was at the head of them: Col. *Fitzroy* came to me there, with an order for the cavalry to advance up as faſt as poſſible; I told him that Lord *George Sackville* was there, and that I was marching to the left by his order, and deſired that he would go up immediately to him, and give him the order: he anſwered me, that he had carried an order to Lord *George Sackville*, which Lord *George Sackville* did not obey, and that his orders were to bring this to me.

Q. What time do you apprehend intervened between your ſeeing Capt. *Winſchingrode* the firſt and the ſecond time?

A. I ſhould think about 20 minutes.

Q. Was the 2d line of cavalry, under your command that day, halted at any time, and when after they were marched by you thro' the wood?

A. As we were marching on to the fir-tree grove, where I was informed the action had begun, there came an order to halt till the 1ſt line joined us. Lord *George Sackville* ſoon after came up to the 2d brigade where I was: I immediately rode up to him and acquainted him with my reaſon for having marched without receiving any particular orders from him, and that I was marching on, when I received his orders to halt for the 1ſt line. Lord *George* ſaid, he only did it to form the line; to bring up the 1ſt line in order to form the line. The 1ſt line came up to us, and we then marched on again. When we came up to the fir-tree grove there was an order to march to the left, in order to make room for 2 regiments that were in the 1ſt line, which they ſaid had not room to come up and form with the reſt of the line. After Col. *Fitzroy* had delivered me his orders, I went to Lord *George Sackville* and acquainted him, that the Duke's or-

ders

ders were to march up directly to advance; Lord *George* ſaid, he was only forming the troops into a line: I ſaid, as the orders were to advance I ſhould give orders to the 2d line to march on; which I immediately did, and gave orders to Gen. *Elliot* to follow me with his brigade. I galloped up about 50 or 60 yards in front. After we had gone about 3 or 400 yards, I found the cavalry halted, I ſent the major of brigade immediately with orders for them to advance as faſt as poſſible, and to know how they came to halt without my orders. He came back and informed me that they were halted from the right by Lord *George Sackville*'s orders. I gave them immediate orders to advance, and not halt without I gave them orders, or without Gen. *Elliot* did it in conſequence of orders from me.

L. *G. Sackville.* Did not we come up to the foot?

A. Not near them; I do not remember we came near them.

Then the Court adjourned till to-morrow morning ten of the o'clock, and the Marquis of Granby *was ordered to attend.*

HORSE-GUARDS, *March* 12, 1760.

At a Court-Martial there held by Adjournment,

Sixth Day's Sitting, on the Trial of Ld. *George Sackville.*

PRESENT,

The Honourable Sir *Charles Howard,* Preſident,

And the reſt of the Members as Yeſterday.

[*Lord* George Sackville *ordered into Court.*]

The Evidence for the Crown continued.

Judge-Advocate *reads the Evidence given Yeſterday.*

Judge-Advocate.

Q. DID the cavalry, under your command, make any halt after they got thro' the wood; I do

do not mean to confine it to halts made by Lord *George Sackville*'s order?

A. After that halt that was mentioned, there was another little halt made at ſome diſtance, when the infantry was in our front at ſome diſtance, when we were all in a line, I think.

Q. By whoſe order was it?

A. There was an order from the right, a paſs parole order, and I think Col. *Hotham* came up with an order at the ſame time, but I am not quite certain.

Q. Was any halt made by the cavalry of the 2d line, after they came out of the wood,—the great wood?

A. There might be ſome little halt, till all the regiments come out.

Q. Did any perſon conduct you and the cavalry of the 2d line thro' the wood?

A. Capt. *Winſchingrode* ſhewed the *Hanoverians* left regiment thro' the wood; I led the Greys thro' myſelf.

Q. Did you mention to Lord *George Sackville*, when you rid up to him, that the Duke's orders came directly to you?

A. I mentioned that Col. *Fitzroy* had come up to me with an order to march; and therefore I thought it was neceſſary to march.

Q. Did you mention, that the orders came directly to yourſelf, that they were directed to you?

A. I cannot be certain to that. I mentioned, that I had an order, and that they were marching in conſequence of an order; that the Duke's order had come to me to march: To the beſt of my remembrance I mentioned that the Duke's order was directed to me to march.

Q. Are you ſure?

A. No; I am ſure the order was to march up.

Q. I ſhould be glad to know whether, when you rode up to Lord *George Sackville* to acquaint him with the orders you had received to march up directly, (when he anſwered that he was only forming the troops into a line) whether the cavalry was then moving to the

the left, to make room for the two regiments on the right, of the 1ſt line, or what other movement they were then making, or were they halted?

A. They were marching to the left when I rode up from Col. *Fitzroy*.

Q. Could you form any judgment of the ſpace of time taken up in marching from the place where the cavalry was firſt formed, to the place where the action appeared firſt to be begun?

A. I cannot exactly gueſs, but I ſuppoſe about 25 minutes, or half an hour?

Q. Do you apprehend it could have been done ſooner?

A. Certainly it might.

L. *G. Sackville.* Did you know the poſition of the infantry at the time the cavalry was firſt formed?

A. I did not.

Q. Had you, or any other of the Generals, to your knowledge, any diſpoſitions communicated to you, or any general inſtructions thereupon relating to that day?

A. I had none, nor am I acquainted that any other of the generals had.

Q. Did Prince *Ferdinand* uſually inſtruct his Generals before he expected action?

A. At the battle of *Bergen*, before we marched up to the attack, he ſent for all the Lieutenant Generals, and gave his orders for the diſpoſition of the march, and of the order of battle; I remember that particularly, I do not recollect any other.

Q. You have heard that the Prince uſually does that, and you may have heard him much commended for it, that he excels in it.

A. I have heard that he does it, and very clearly and diſtinctly; he was very clear in the orders he gave at the battle of *Bergen*.

Q. Did you imagine, that part of the 2d line of infantry had been originally formed in the front of the cavalry?

A. I thought that the infantry was in the front of

the cavalry; I did not know what infantry, but I thought there was infantry in the front of the cavalry.

Q. Did you know that I received any verbal orders from Prince *Ferdinand*, for forming the cavalry of the right wing upon the heath, after paſſing the wood?

A. I do not remember to have known of any, but that by Capt. *Winſchingrode*.

Queſtion repeated.

A. I do not remember to have heard of any thing of that, it does not ſtrike me.

L. *G. Sackville.* I will mention the tendency of the queſtion, if the Court pleaſes: What I want to know is, whether we were not acting under different orders; when I halted the 2d line to bring up the 1ſt, he was acting under one order, and I under another; I wanted to know if Lord *Granby* knew that. It is with me afterwards to prove my orders, what they were, and how I received them. I mention it only to give a light into the queſtion; I would not lead any body aſtray: there is but one thing in Lord *Granby*'s evidence that I don't quite recollect; this will let him into my meaning.

Gen. *Cholm.* It may be leading a witneſs.

L. *G. Sackville.* The meaning of my doing it is out of reſpect to Lord *Granby*.

Q. Do you remember the day after the battle, upon the orders of Prince *Ferdinand* being given out, with an implied cenſure upon me, that I aſked you whether I had improperly halted you that day, or words to that effect?

A. Lord *George Sackville* deſired I would come to his quarters after the Feu d' Joy was over; and I think mentioned to me, that he had been blamed for halting me; I do not remember whether the word *improperly* was mentioned: I then, to the beſt of my recollection, mentioned to Lord *G. Sackville* the ſame things in regard to the halting as I have given in evidence, and told him that I was ready, if his Lordſhip

deſired

deſired it, to acquaint the Duke with every thing I knew in regard to Lord *George*'s conduct that day. Lord *George* deſired me to write to the Duke; but I excuſed myſelf as not being converſant in *French*; I was ready to wait upon the Duke with Lord *George*.

Q. Do you remember Col. *Hotham*'s writing a letter for me to ſign in yours, and my preſence, upon that ſubject to the Duke?

A. I remember Col. *Hotham*'s writing a letter.

Paper produced.

Extract of a Letter from Lord George Sackville.

"*To* H. S. H. *Prince* Ferdinand, *dated from the Camp* "*at* Minden, Aug. 2d, 1759.

" * L'Ordre que je donnois a my Lord *Granby* de " faire halte c'étoit tousjours dans le deſſein d'obeir " aux votres en gardant l'Alignement, qui ne dura " que tres peu de tems, autant ſeulement qui etoit " neceſſaire a cet effet. Je lui donnai apres pour la " même raiſon le même ordre, il me fit dire qu'il " avoit recu ceux de V. A. de s'avancer et il le fit " effectivement, et je me preſſai avec la droite pour " m'aligner avec lui, juſqu' a-ce-que nous arrivames

 " derriere

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* TRANSLATION.

" The order which I ſent to my Lord *Granby* to halt, was always " with the deſign of obeying yours, by keeping a regular line. " That halt could laſt but a very little time, only as much as " was neceſſary for that effect. I gave him afterwards the ſame " order for the ſame reaſon; he ſent me word that he had re- " ceived the orders of your Serene Highneſs to advance, and he " did ſo accordingly, and I preſſed the march of the right to " dreſs in a line with him, till we arrived in the rear of the in- " fantry; and it appeared to me, at that inſtant, that he was not " advanced before me. My Lord *Granby* will do me juſtice in " this article, and authoriſes me to tell you, that he is ready to " give his teſtimony of it to your Highneſs in my preſence."

" derriere l' infanterie, et il me parut même dans ce
" moment qu' il ne me devança point, my Lord
" *Granby* me rendra ſur cet article juſtice, et m'autoriſe
" de lui dire qu' il eſt pret a rendre ſon temoignage la
" deſſus a V. A. en ma preſence."

Q. Is that the ſubſtance of the letter?

A. I cannot recollect immediately the ſubſtance of it.

Q. Was it in the following words to the beſt of your recollection?

Letter inſerted in the minutes.

Witneſs. I do not remember the letter in thoſe terms that are there: I ſaw a rough copy of a letter; I remember telling Lord *George*, when he aſked me, if I did not remember that after that halt he came on with his line juſt as faſt as I did with mine, that I did not regard it, nor did I know any thing about it, but that he knew that beſt himſelf; I look'd forward and did not obſerve him, nor what he was doing in his line; in regard to any particular point of that letter, I ſaid I can ſpeak only to matters of fact, and that I ſhall tell the Duke. Lord *George* aſked me many queſtions in regard to the orders; I ſaid, I do not know any thing of the orders, only matters of fact, which was *Winſchingrode*'s coming up, the halt upon the plain, going up to the fir wood, Col. *Fitzroy*'s coming up to me, and the halt after I had marched in conſequence of Col. *Fitzroy*'s coming up. That part of the letter " Il me fit dire," I dont remember, nor indeed can I recollect what the letter was, I only read it over in a hurry; I left it to Lord *George Sackville* to write what he pleaſed.

Q. After the troops had paſſed the fir-grove going to the left when Col. *Fitzroy* came to you, do you remember if the right wing was up with the left?

A. I do not exactly remember whether they were up when we went to the left: I went to the left of all, gallop'd up 50 or 60 yards, ſo that I did not obſerve; I was advancing.

Q. Do you remember, when you ſaw Gen. *Elliot* halted,

halted, and you turned about, whether the right was then up?

A. I believe they were juſt up, or juſt coming up.

Q. Did Gen. *Elliot* advance immediately upon your ſending the Major of Brigade to him?

A. The 2d line advanced immediately after; I did not mind the 1ſt; I believe the whole did; they were juſt coming up; I do not know to the contrary.

Q. Do you know what infantry was in the front of the cavalry?

A. I did not then know what infantry they were.

Q. Do you know now?

A I am informed that it was *Scheele*'s brigade, ſome *Hanoverian* regiments that were then in our front.

Q. Were they part of the 2d line?

A. I think they were the 2d line; order'd up, as I underſtand, to attack the *French* that were at the village of *Halen*; they were ordered up to the right to ſuſtain the attack.

Q. Do you remember taking a poſition with your 2d line, fronting the moraſs?

A. Our left of the 2d line was to the right of the 1ſt, and the right of the 2d line was to the moraſs, not fronting it, but running obliquely; the line run obliquely from the 1ſt line to the moraſs; not drawn up in a line, there was not ground.

Gen. *Cholm.* The day before the battle, how near was the 2d line encamp'd to the 1ſt?

A. I do not remember that there was any greater diſtance than uſual.

Q. From the time of the cavalry's being form'd at the head of their own encampments, and marching to the place where they firſt form'd, was any time loſt?

A. We might have marched faſter, if it had been thought neceſſary, from the time I joined them. It is neceſſary for me to explain what I mean by ſaying, when I joined them; it may ſeem negligence my not being up to the line when they marched; I hope it will not appear ſo. Early in the morning as ſoon as I was

dreſſed

dreſſed I heard a cannon fired to the right; it was followed by a 2d and a 3d. I immediately ordered my horſe, and at the ſame time ſent to Lord *George Sackville*'s quarters to know if there was any orders, and what that firing was: the man brought me word that every thing was quiet at Lord *George Sackville*'s quarters; that the centinel did not know what the firing was. My horſe was brought to the door, and I immediately rode out to a great field on the right, from whence I could ſee ſome part of the right of our encampment, ſeeing the tents ſtanding, as I thought, and they were ſtanding, and perceiving that the firing was upon the Duke's quarters and the 2 battalions which were encamp'd to cover them. I knew or heard of nothing that was paſſing to the left—no motion of the enemy. Very unhappily for myſelf I rid to the right where our regiments were encamp'd, thinking that the enemy were making an attack upon thoſe regiments: when I came there I found that thoſe regiments had been cannonaded and were marched off their ground; I there met Col. *Fitzroy* and the Duke of *Richmond*, who told me that the Duke was gone out towards the camp; upon which I galloped with them as faſt as poſſible to the camp; there was a great duſt; we paſſed without perceiving a little lane that led up ſtrait to the cavalry; we were obliged therefore to go round 2 incloſures, which brought us ſome diſtance to the rear of the engagement; by which means the cavalry had marched off their ground before I join'd them. I came up with the rear of the column juſt as they entered into *Northymmeren* Field, which might be 4 or 500 yards in the front of the 1ſt line.

Q. How long after they were formed, did they remain upon that ground?

A. About 25 minutes before we marched, I cannot be certain to the time.

Q. Suppoſe they had immediately marched from that ground, could they have been time enough to have form'd a third line behind the 2d line of infantry to have covered them?

A. If

A. If the infantry, when Capt. *Winſchingrode* came to me firſt, were drawn up at that fir-wood, I muſt think we might.

Q. How far was that fir-wood off the place where the cavalry was formed?

A. I ſhould think it was about 3-qrs. of a mile or a mile, from that wood to the right of the cavalry.

Q. Still meaning from the place where they were formed, had the cavalry march'd immediately, would they have been in time? Or thus, if the *Britiſh* troops had immediately begun their march after being form'd upon the firſt ground they did form upon, after marching out of their encampment, would they have been in time to have form'd a 3d line behind the 2d line of the infantry to have covered them?

A. I think they might from the time Mr. *Winſchingrode* came, and there was ſtill more time from forming.

Q. Had the right wing of the cavalry marched immediately, could they have been time enough to have engaged the enemy?

A. By what I have heard in regard to the action, we ſhould certainly have been up time enough to have engaged ſome part of the enemy; I did not ſee the enemy, but from the information I have had, we certainly might.

Q. But from any obſervations you made yourſelf?

A. I never ſaw the enemy during the whole day?

Q. Would they have been up time enough to have purſued them?

A. As there was a good diſtance from the fir-wood to *Minden*, by all the information I have had, we ſhould certainly have been in time to have purſued them, if we had marched from where we firſt formed, when we were firſt ordered to form.

Judge Adv. I doubt how far this is evidence. The charge is diſobedience of orders: the firſt order diſobeyed, as I underſtand, is that delivered by M. *Winſchingrode*.

Q. If the *Britiſh* cavalry had immediately marched

as

as ſoon as M. *Winſchingrode* came with the orders, would they have been in time to form a 3d line, to have engaged the enemy, or to have purſued them?

A. If we had marched up as faſt as we could to the enemy, we ſhould certainly have come up; if we had marched properly we ſhould have come up time enough to have engaged in ſome ſhape or other, to have engaged the enemy or to have purſued. I would obſerve that I did not underſtand Col. *Fitzroy*'s orders to me was to march ſingly, for me to march ſingly with my own line; but the order was brought to me for the cavalry to advance as faſt as poſſible.

Q. After you had received an order from Prince *Ferdinand* by Lieut. Col. *Fitzroy* to advance with the cavalry, if you had continued the ſame pace of march till you had paſſed the wood, and had not waited for the 1ſt line or been halted, could you have got up time enough to have formed a 3d line behind the infantry, or have charged or purſued the enemy?

A. When Col. *Fitzroy* gave me that order, the infantry was in ſight, but at a great diſtance from us; I galloped on at the head of the 2d line, and they came after me a good pace very faſt, ſome a full trot, I believe ſome galloped; if we had continued that pace we ſhould have joined the infantry much ſooner. But in regard to the queſtion, whether we ſhould have been time enough to have done much execution, as I am not certain where the enemy then was, how near they had got to *Minden*, I cannot poſſibly ſay.

L. *Albemarle.* If I ſhould aſk any queſtion that ſeems to have been anſwered, I hope the Court and L. *George Sackville*, and alſo L. *Granby* will excuſe me; but I have not received that information from the queſtions aſked, that I expect to receive, when I ſtate them in my own words.

Q. At what time in the morning did you firſt hear the firing of cannon?

A. I had no watch, nor do I know the time, I fancy it was between 4 and 5 o'clock.

Q.

Q. Did you ſend to Lord *George Sackville* to acquaint him with it, or only for information, to know if there were any orders?

A. Hearing a firing I only ſent a ſervant to know if there were any orders, or any thing extraordinary.

Q. How often did Lord *George Sackville* ſend you orders to halt the left of the cavalry you led, before you received the prince's orders, by Col. *Fitzroy*, to advance the cavalry as faſt as poſſible?

A. I do not recollect he ſent to me but once. There were ſeveral meſſages not to march ſo faſt; theſe meſſages came as we went on, but only once to halt.

Q. How often was the left of the cavalry halted by Lord *George Sackville's* order, after you acquainted Lord *George Sackville* that you had received Prince *Ferdinand's* orders, by Col. *Fitzroy*, to advance the cavalry as faſt as poſſible?

A. Once Lord *George Sackville* halted us after we had marched 3 or 400 yards; afterwards there was another halt by *Paſeparole*, and, I think, an order by Col. *Hotham* at the ſame time.

Q. That by *Paſeparole* and Col. *Hotham's* were they the ſame?

A. I think ſo; his was an order to halt to dreſs the ranks.

Q. Did you know if Lord *George Sackville* had been with Prince *Ferdinand*, before Col. *Fitzroy* brought you this laſt order?

A. I did not. I did not hear it till after.

Q. Do you imagine, if Lord *George Sackville* had not not halted the cavalry at different times, as you was advancing with it, that you would have come up in time, and in proper order with it, to charge the enemy, before they retired, after you had paſſed the wood?

A. As ſoon as we came through the wood, if we had advanced on as faſt as we could, without ruining the cavalry, without blowing the horſes, I ſuppoſe we ſhould have been up with the foot (judging from the

diſtance by what I recollect it) in about fifteen or twenty minutes ſooner than we were, or a quarter of an hour. I do not mean if we had marched up in a line all the way, we could not have kept ſo exact a line as upon the parade; but yet keeping a proper line.

Q. You ſaid you might have come up fifteen minutes ſooner if you had not halted: how long was the action over before you came up to the infantry?

A. When I ſaw the infantry it was from the fir wood. They were at a great diſtance; our cannon was firing upon their right: when we came to the right I ſaw nothing of the enemy; they muſt have been retired ſome time. The affair had been over ſome time. I cannot ſay when it was over.

Q. Do you remember to have ſaid any thing to Col. *Fitzroy*, when he delivered the order to you to advance with the cavalry, relating to the motions of the firſt line, which was then upon your right?

A. When Col. *Fitzroy* came up to me, I ſaid, it is not my fault, Lord *George Sackville* has halted us, and we have loſt a good deal of time. They were marching to the left, by Lord *George's* order, to take ground to form the line. I don't remember particularly what I ſaid to him. I believe I was vexed that we were halted in that manner; I believe I found fault with Lord *George's* Manœuvres, thinking we had loſt time.

Q. Do you remember making him obſerve, that the right was not ſo far advanced as the left?

A. I believe I might, but I dont recollect it?

Lord *G. S.* The infantry you ſaw at that diſtance, when you firſt came to the fir grove, was it that part of the infantry that had engaged the enemy, or was it part of the infantry that was to ſuſtain that attack?

A. I was not near enough to know what infantry they were; then I did not know of any other infantry that was there; I thought it was the infantry that had been engaged.

Q. Do

Q. Do you know that the lines of infantry were formed before they advanced to engage?

A. As I never did ſee any of the infantry, I cannot ſay whether they were or not.

Lieutenant John Wogan *ſworn.*

Q. Was you preſent, or do you know of Lord *Granby's* commanding the cavalry of the ſecond line to march in conſequence of any thing reported, or obſerved to him, by Capt. *Winſchinrode.*

A. I do remember it.

Q. Was you ſent with any, and what orders upon that occaſion, mention in general what paſſed, and what orders you received?

A. My Lord *Granby* ordered me upon that occaſion to go to the left, to the commanding officers of the Hanoverian regiment, with an order for them to make ready to march. I gave this order to the officer that commanded them. I returned to the regiment again, to my poſt.

Q. Did the ſecond line march?

A. They did a little time after.

Q. What was this march, and from where?

A. From the place where they were firſt formed in two lines.

Q. Did you hear what paſſed between Lord *Granby* and Capt. *Winſchinrode* after they did march?

A. I could not, I returned to my ſquadron.

Q. Do you know any thing more of that tranſaction, that may be for the information of the court?

A. Nothing at all. They cannot expect much from me, as I was only a ſubaltern.

Lieutenant John Walſh, *Adjutant of the* Blues, *ſworn.*

Q. Do you know any thing of the cavalry of the ſecond line, under the command of Lord *Granby*, being at any time halted when on the march, on the day of the battle of *Minden?*

A. Lieut. Col. *Johnſton* ſent me to Lord *George Sackville* to let him know that the ſecond brigade was going on, and to deſire to know if the *Blues* might advance. The anſwer I received from Lord *George* was, that the *Blues* were to remain where they were. At the ſame time his lordſhip ordered me (I believe his words were) Halt the ſecond brigade, and order them to dreſs to the right.

Q. Inform the court at what time it was, or how far you was advanced upon the march?

A. I cannot ſay the time: it was after we paſſed the wood, and juſt at the beginning of the field of battle, where the foot had been engaged.

Q. Which wood?

A. The wood we left behind us, in the rear upon the right.

Q. Was this the firſt time of halting, or had you halted before that?

A. We had halted before that.

Q. Once only, or more than once?

A. I really do not recollect.

Q. At what rate did you advance, when you firſt marched after this halt?

A. The uſual pace that we commonly march, as well as I can recollect.

Q. Faſt or ſlow?

A. Not a trot as well as I remember.

Q. What line did you belong to?

A. The firſt. I was Lieutenant of the firſt brigade.

Judge

Judge Advocate. Sir, This is all the evidence I have laid before the court, and I have done it in the manner I intended. General *Webb* was Quarter Maſter General, he may know ſomething relating to the ground: the Duke of *Richmond* is here, and others. If the court at any other time thinks any of them neceſſary, they can call them, I ſhall call no more.

Lord *George Sackville.* Sir, At the next meeting of the court, I ſuppoſe, I ſhall be admitted to my defence; and therefore in order to take up as little time as poſſible, and that I may range the matter of the accuſation, and only bring ſuch evidence as ſhall be neceſſary, I ſhould have a day's time, if I am not allowed that I may take up much more of your time. To-morrow I ſhall not, with convenience, be ready myſelf.

Then the court adjourned to *Saturday* morning next ten of the clock.

HORSE-

HORSE-GUARDS, Saturday, March 15, 1760.

AT A

COURT-MARTIAL

There held by Adjournment.

SEVENTH DAY'S SITTING

ON

Lord GEORGE SACKVILLE'S TRIAL.

PRESENT, Sir CHARLES HOWARD, Preſident, and the reſt of the Members as on *Wedneſday* laſt.

Lord GEORGE SACKVILLE ordered into Court.

Preſident. MY Lord *George*, you will pleaſe to proceed.

Lord *G. S.* Sir, what I propoſe to ſay introductory to my evidence, and by way of obſervation on the evidence againſt me, I have prepared in writing, and will read it to the court; and afterwards deliver it into court, if they think it neceſſary.

" I AM very ſenſible of this laſt inſtance of his Majeſty's goodneſs towards me, and I have ſo ſtrong a feeling of the advantageous ſituation in which I now ſtand, compared with that in which I was lately placed, that I ſhall not begin my defence with any obſervations on the means that have been employed to prejudice the opinion of his Majeſty, and of the public, againſt me.

Convinced

Convinced that his Majeſty's known equity would graciouſly diſpoſe him to grant my requeſt, of being allowed a trial, in a court legally authoriſed, and before judges properly qualified to examine into my conduct; I have never attempted by any complaints of hard treatment, nor by any repreſentations of my caſe, to awaken the publick attention in my behalf, or to remove the popular prejudices againſt me. Painful as it is to ſuffer a moment in the good opinion of my country, I have waited ſilently, though with a reſpectful impatience, for the opportunity which is now given me, of laying my whole conduct before this court: for the whole of my conduct, relative to the affair of *Minden*, ſhall now be laid before you, which has not hitherto been done, neither could it be done by witneſſes who ſaw but a part, and ſaw that part but imperfectly; and wherever they have been obliged to ſpeak to matters of opinion, or what they could not ſee, have not been able to diſengage their minds from the influence of the prejudices excited againſt me, by the implied cenſure in the orders after the action of *Minden*.

What were the particular grounds of that cenſure I never was informed, nor could I hope to know, except by this trial; conſcious that my whole conduct would bear the ſtricteſt ſcrutiny, by a juſt and impartial court, I ſollicited to be tried without knowing what accuſation might be brought againſt me. It was for this reaſon I already ſaid to the court, that if I had been afraid of the truth being ſifted, I need not have called for this inquiry. For every man muſt do me the juſtice to ſay, that I ſtand here a willing priſoner, nor ſhould I have come to this bar, but by my own deſire.

My defence conſiſts not in argument, but in being able to eſtabliſh a true and perfect ſtate of the facts with regard to the ſubject of the charge; I am very unwilling therefore to detain the court from hearing the evidence, from whence, and not from my relation, their judgment muſt be formed; and I ſhall not introduce my defence by any narrative of my own conduct.

I ſhall

I ſhall only, at preſent, endeavour to collect the particular articles by which the general charge against me is attempted to be ſupported; and to explain the general tendency of the defence that I ſhall make to each article; which will naturally lead me to take ſome notice of the evidence that has been given in ſupport of the charge.

I am accuſed, in general, of diſobedience to the orders of prince *Ferdinand*; and that charge is confined by the Judge-Advocate to the diſobedience of orders relative to the affair of *Minden*.

The whole matter of the charge then is, What orders were delivered to me? Whether the orders delivered were obeyed? If not, Whether they could have been obeyed? If the evidence, in ſupport of the charge, had been confined to theſe particulars, my defence might have been brought within the ſame compaſs; and it would only have been neceſſary for me to prove, That the orders delivered to me, were not delivered in the manner ſtated by the evidence in ſupport of the charge; or, to prove, that I did, to the beſt of my power, endeavour to execute the orders delivered according as I underſtood them: for the court well knows, that not to have executed orders in action, does not always imply even a neglect of duty.

But the examination has led very much to an inquiry into the conſequences of the cavalry being engaged, or remaining inactive, at the affair of *Minden*. This inquiry, in whatever manner it is anſwered, ought not to affect my trial; for the only queſtion here is, Am I guilty, or not, of the diſobedience of ſuch orders as I received?

The defence I intend to make, goes directly to the ſubſtantial part of the charge: when that is anſwered, theſe matters of opinion, which tend to aggravate and inflame, will be of very little moment; and I ſhall not give the court much trouble with proving, how incertain, or how falſe, they generally are. My intention is not to throw blame upon others, but to vindicate myſelf from the blame imputed to me: And I muſt

here

ere beg the court would enter into my ſituation, and ot judge upon my ſuppoſed knowledge, or upon facts nce diſcloſed; but look upon me at the head of a right ing of cavalry, without any general diſpoſition com- unicated to me, or any previous inſtructions given for y conduct, unacquainted with the ground, with woods r incloſures upon my right and left, and the country pen only to the front, towards which front, the riginal poſition of the cavalry was to have been.

The firſt particular article is, the diſobedience of the rders of the day preceding the action. This was very ully gone into by the witneſſes for the charge; and the ntention of making this an article was avowed to be ot ſo much to charge me with any direct diſobedience, s to prove the general negligence and remiſſneſs of my onduct; and rather to give a plauſible appearance to he following articles, than to make a particular article f itſelf.

For what reaſon ſuch an article, ſo confeſſedly in- concluſive, was taken in to ſwell the accuſation, I ſhall ubmit to the court: but, ſince the charge is to be ſup- ported by ſhewing, that, even before the action, I had o inclination to obey: I deſire no other teſt of the in- clination I then had to do my duty, than to give a full account of my conduct preceding the action; and I ſhall prove, by undoubted evidence, that, in diligence, activity, and obedience, my conduct always was becom- ing the truſt repoſed in me.

In ſupport of the charge, Colonel *Hotham* has proved, the firſt orders delivered after the army came into the camp at *Hille* on the 29th of *July*; which, ſo far as relates to me, are only, That the Generals ſhall take particular notice of the debouchers by which the ar- my may advance to form in the plain of *Minden*. He has alſo proved the after-orders of the 31ſt of *July*, delivered to him at ſix in the evening of that day; for the army o be ready to march at one o'clock in the morning, the cavalry to be then ſaddled, but the tents not to be ſtruck till farther orders, and for the generals leading in columns (of which I was one) to make themſelves

acquainted with the avenues leading from the camp; that is, the march of the columns as well as the ground in front. And he has alſo proved, that theſe orders were delivered to me after my return to my quarters on the evening of the 31ſt, from the picquets; on which duty I was employed on the 30th and 31ſt.

Theſe orders are introduced and inſiſted on, to ſhew, that an action was expected on the following day; and, that the orders were given in that view, to have the troops in readineſs for engaging; how far an action could be expected at the particular time on which it happened, the court has already had an opportunity of judging, from ſeveral of the witneſſes who have ſpoke of the diſpoſition of the army on the morning of the action, particularly from the evidence of the Marquis of *Granby*, a Lieutenant-general and ſecond in command of the *Britiſh* troops, who was as little acquainted as myſelf with any plan of action, or inſtructed in any general diſpoſition. A precaution that few commanders in chief, and particularly his Serene Highneſs, who is ſo able to form and to explain his ideas, have omitted on the eve of an engagement.

But I ſhall ſhew that theſe orders had been ſo frequently repeated, that they were no longer underſtood to ſuggeſt any certainty of an approaching action, and required no more than the common degree of diligence with which every order ought to be put in execution. Thus much with regard to the orders themſelves.

With regard to the execution of them, ſo far as they relate to the troops, Major *Stubbs* has proved, that the cavalry was ſaddled before the orders to ſtrike tents were brought, which he thinks was about four. Whether they were ſaddled at one or not is a circumſtance that cannot affect me; for Colonel *Hotham* has proved, that the orders were diſtributed to the brigades. But, ſuppoſing I were to be anſwerable for the neglect of orders ſent to the brigades, Colonel *Pitt* has proved, that the horſes of the regiment under his command were ſaddled at one. Colonel *Sloper*, indeed, has ſaid as much; but, as I ſhall hereafter ſhew that his evidence can

prove

prove nothing, I will not throw ſuch a ſtain upon my defence as to quote his evidence as proof, not even where he is obliged to diſcloſe a circumſtance that may make in my favour: but, even if the horſes had not been ſaddled according to the order, as I ſhall prove they were, it is certain that no delay was occaſioned by this, ſince all were ready when the orders to march came to the camp.

With regard to the part of theſe orders that relate to the generals reconnoitring the avenues to the camp, and the march of the columns, I ſhall prove, by undoubted evidence, that I complied with them as far as I poſſibly could conſiſtent with the other duty, in which I was, at that time, immediately engaged.

With regard to the march of the cavalry from its encampment, the orders to march were not brought, as they ſhould have been, to me. The firſt notice I had of it, was by a meſſage, not an order, from General *Sporken*. I immediately galloped up with Major *Stubbs* to the head of the line, as appears by his evidence, and was, as I ought to be, the firſt general officer of my diviſion that arrived there; and, ſo deſirous was I to loſe no time, that I came there unattended by any of my Aids-de-camp. I immediately marched with the column, and ſhall prove, that no delay whatever was occaſioned by the miſtake in the delivery of the orders: but, that I was with the cavalry upon the ground ſhewn me by Captain *Malhorty* before the columns of infantry had begun to form.

The ſecond article of the charge is, the poſitive diſobedience of the orders ſent by Captain *Winſchingrode*.

The only witneſs to this is Captain *Winſchingrode* (why I ſay the only witneſs I ſhall afterwards explain) and I am very glad to do juſtice to the candid and ingenuous manner in which his teſtimony was delivered.

Though I ſhall be able to contradict his evidence with regard to the orders he delivered to me, I do not mean to queſtion his veracity. I make no doubt that he imagined he had explained his orders to me in the manner he now ſtates them. He is cautious, at this

diſtance of time, of aſſerting the words he uſed, but ſays, he endeavoured to explain his orders as well as he could, and is certain that he gave the ſenſe of the orders he brought. It is very natural for a perſon to ſuppoſe, that what he means to expreſs he has expreſſed plainly, though the perſon to whom he ſpeaks finds great difficulty in underſtanding it. I ſhall ſhew the court, that the orders delivered by Captain *Winſchingrode* were not, nor could not, be underſtood by me in the way he has now ſtated them; and I ſhall ſhew afterwards, by many evidences, the ſteps I took towards the execution of them, in the manner I underſtood them, and the obſtacles which muſt have prevented the execution of his orders as he had ſtated them. Theſe circumſtances will prove, that inſtead of doing nothing, as has been ſaid, upon receiving Captain *Winſchingrode*'s orders, all was done that could be done within the time, and in the ſituation I then was.

It will likewiſe appear, that the intervals of time between Capt. *Winſchingrode*'s order and Capt. *Ligonier*'s was very ſhort, and no part of it loſt. Captain *Winſchingrode*'s candour indeed affords me a poſitive contradiction to all thoſe witneſſes who have made that interval ſo long. That gentleman when he left me, rode, as he ſays, full gallop, towards the Prince, and met Colonel *Fitzroy*. What was the diſtance from the cavalry, to the place where they met, Captain *Winſchingrode* does not ſay, but Colonel *Fitzroy* thinks it was about ſix hundred yards from the cavalry to the place where the Prince was, Captain Ligonier left the Prince before Colonel *Fitzroy*, and it is impoſſible then that the ſpace of time in which Captain *Winſchingrode* galloped part of theſe ſix hundred yards, could have been equal to a half of that interval, which the witneſſes make between the order of Captain *Winſchingrode* and that of Captain *Ligonier*.

Another obſervation I ſhall make from Captain *Winſchingrode*'s evidence, that he has diſcloſed a circumſtance which entirely removes every prejudice that might ariſe from the evidence attempted to be given of the

the Prince's impatience that the cavalry did not advance. The inference from thence to my prejudice is, that his ſerene Highneſs's impatience proves his ſenſe of my delay; but I beg leave to obſerve, that it only proves, that the Prince had very great occaſion for cavalry, and was very ſenſible, that they might be uſeful where they were not poſted. Captain *Winſchingrode* was ſent to look for the cavalry; for he was not told where he ſhould find them; he delivers his orders, and gallops back; in his way he meets Colonel *Fitzroy*, ſent for the ſame purpoſe, who tells him, that the Prince is in the utmoſt impatience for the arrival of the cavalry: unleſs it were poſſible to imagine, that twenty-two ſquadrons could move faſter than Captain *Winſchingrode*, who went full gallop, and was not then come in ſight of the Prince; the impatience, which prompted his ſerene Highneſs to ſend off a ſecond and third meſſenger, could not well have proceeded at that time from any well founded opinion of an improper delay of the cavalry, if he knew the diſtance at which they were poſted.

Thus much with regard to the order of Captain *Winſchingrode*, ſo far as it is proved by his own evidence.

Colonel *Sloper* has ſworn to the very words of the order which Captain *Winſchingrode* has too much candour himſelf to recollect. In what manner his evidence was given, I need not remind the court: he owns, that he has told his ſtory to ſo many people, that he cannot poſſibly remember to whom he has told it in particular, ſo that, by his own confeſſion, he comes into court prepared, and obliged to ſupport by his oath, the credit of the tale he has ſo often told; and, he is hardy enough to ſwear, that he is morally certain, that every time he has repeated it, he has always uſed the ſame words that he has done to the court: a circumſtance that never did, nor could happen, upon a true relation of facts.

With regard to the matter of his evidence, I ſhall ſhew the court, if his own behaviour has not already deſtroyed

deſtroyed the credit of his teſtimony, that it is impoſſible, from his ſituation that day, that what he has ſworn can be true, or that he could hear all he pretends to have heard.

If he had given me an opportunity, I believe I ſhould alſo have been able to prove, that I did not ſpeak to him that day to receive his advice; but the court muſt have obſerved, that on the croſs examination, he would give no direct anſwer to any queſtion, and, accurate as his memory was in other particulars, he would not remember the name of any one officer he at any time ſaw with me, except Captain *Hugo*, and him only, becauſe Captain *Winſchingrode*'s ſpeaking to him in German, was a circumſtance he had introduced in the relation he had given out of doors, and durſt not venture entirely to forget it in court. If I prove theſe things with regard to Colonel *Sloper*'s evidence, I ſhall have ſaid with reaſon, that Captain *Winſchingrode*'s evidence is the only one, as to the orders delivered by him to me. Having mentioned Colonel *Sloper*'s evidence, I am obliged to take notice of the aſperſion he has thrown upon my character, imputations of that nature were very little to be expected, by one who had the honour of arriving at the rank of a Lieutenant-general, after a courſe of ſome duty and ſervice. It is hard upon a man to be obliged to ſpeak of his own actions, or of his own merit, or character in the ſervice: but what makes it, upon this occaſion, abſolutely unneceſſary, is, that moſt of the generals who compoſe this court, have either commanded me, or I have had the honour of commanding them; and, I am perſuaded, they will feel a generous indignation in my behalf, and declare whether my former conduct ought not to have exempted me from ſo mean an attack. But, as this ſlander is thrown out, not for the court, but as a topic for popular calumny, I ſhall be obliged to ſubmit to the mortification of aſking thoſe who ſaw me, whether I was not as ready to do my duty, as diſtinct in my orders, and bore as firm a countenance as any man during

that

at whole day. I ſhall beg the indulgence of the urt alſo to permit me to have the ſatisfaction of re-iving a freſh inſtance of the approbation of ſuch of-cers of known and approved reputation, under whoſe ommand I have acted in ſituations of real danger.

The third article of the charge I am at a loſs how to ate, whether it is the diſobedience of the order delivered y Captain *Ligonier*, which was immediately complied ith; or the diſobedience of the after order delivered y Colonel *Fitzroy*, which varied materially from it; r whether it is the heſitation and doubt, which of the wo orders, though different, delivered almoſt at one ime, and ſeeming to every one preſent, as well as to me, o have been intended as the ſame, and my going a few undred yards to the Prince to obtain an explanation of heſe doubts, not neglecting, however, in the mean hile, to forward the ſervice: whether I ſay any or all f theſe circumſtances, are to be imputed to me as a rime, I do not know, but I ſhall endeavour after eſta-liſhing the facts, to give an anſwer to each of them.

With regard to the order delivered by Captain *Li-gonier* I cannot help obſerving how very inconſiſtent nd ſtrange that order muſt appear, as ſtated in his evi-dence: he ſays, that he was ſent by the prince upon ſe-veral reports of the diſorder that appeared in the ene-my's cavalry; he ſays, his orders were to me to ad-vance with the cavalry, in order to profit of the diſ-order that appeared in that of the enemy: the order implies, that the engagement was already begun; yet, when he comes to be aſked, with a view to aſcertain the time how long the troops had been engaged, he then ſays, that the infantry was only advancing, and that he left the prince before any attack by either army. What then could occaſion that diſorder of the cavalry, of which we were to profit? for it is well known to every one, that the enemy's cavalry did, in the firſt onſet of that ſhort action, attack that brave Britiſh infantry, to whoſe intrepidity the ſucceſs of that day was entirely owing.

Colonel

Colonel *Fitzroy* brought me the order to advance with the Britiſh Cavalry, to the left, as I was obeying that of Captain *Ligonier* to advance with the whole cavalry. I ſhall ſhew more clearly than it is expreſſed by their evidence what opinion they both had then of the meſſages they brought; and I muſt obſerve, that it is not from what they have ſince recollected, but from the opinion which they then expreſſed to me of their orders that my conduct is to be judged, and the reaſonableneſs of the doubt I then entertained of the movements that I was to make in ſo critical a ſituation, when the diſtinctneſs, or indiſtinctneſs of two young aids-de-camp might have decided the fate of the army.

Had I then acted a cautious part with regard to myſelf, it had been eaſy for me to have made either of theſe gentlemen anſwerable for the ſtep I ſhould have taken; but, entruſted with ſuch a command as I bore, it became me not to conſider my own ſecurity, but the public ſervice, and I determined to act upon more certain grounds, having already experienced too much of the confuſion of orders ſent by aids-de-camp. If this is criminal, I know not what conduct, in an officer that is conſiſtent with the character of an honeſt man, can protect him from blame: a ſtrict and implicit obedience, I know, is the duty of an officer, but an obedience to you know not what order, is neither the part of an officer, nor of a man.

I ſhall farther ſhew, upon this part of the charge, that no unneceſſary time was loſt, and that, as already has been proved, the cavalry did paſs the wood, and was even in ſight of his ſerene Highneſs, whilſt I was receiving my orders from him.

The laſt article of the charge ſeems to be, that after theſe ſeveral orders, the cavalry advanced too ſlow, and that I halted the ſecond brigade under the Marquis of *Granby* to delay the march, and even after the order brought by Colonel *Fitzroy* to Lord *Granby* to advance as quick as poſſible, were communicated to me, that I halted the cavalry a ſecond and a third time.

The

The force of this article, as a charge of diſobedience, muſt depend upon the orders under which I then acted, and the neceſſity there was for theſe halts. The orders under which I then acted, were not thoſe of any aid-de-camp, but what I received from his ſerene Highneſs himſelf, I ſhall prove what they were, and I ſhall likewiſe prove, that every halt which was made by my command, was neceſſary for the execution of them. I muſt beg the court would here again enter a little into my ſituation at that time, and conſider, not how the cavalry might have advanced, ſuppoſing the ſucceſs of the day decided and certain: but how cavalry ought to advance, ſuppoſing, (as was then the caſe) there was reaſon to expect they might charge or be charged; but even had my orders been only to advance, ought I to have underſtood, that to advance meant to advance in confuſion?

The marching of cavalry in line muſt be matter of judgment; as for my part, I ſubmit to thoſe whoſe ſervices entitle them to decide upon this occaſion, whether it is poſſible, in an extended line of ſeveral ſquadrons, to advance with quickneſs, and at the ſame time with tolerable regularity; I have ever found the greateſt difficulty in preſerving intervals, or even the appearance of a line, without a conſtant attention to their motions, and ſtopping the firſt appearance of irregularity. To attack with velocity and vigour, you muſt advance without hurry and confuſion; if purſuit is the object, then I underſtand, a part is to be detached, but that part is to be ſuſtained by ſquadron's not broken. If the line is to charge, as ſoon as it comes within a proper diſtance, the greater velocity with which they proceed againſt the enemy, the greater the effect; but whoever attempts to bring ſquadrons after being blown or hurried to an attack, will ſoon find, that the vigour and weight ſo peculiar to the *Britiſh* cavalry will be loſt by their own miſmanagement and indiſcretion.

Theſe are the principles upon which I thought it proper to conduct a wing of cavalry. When I have proved my orders, and ſhewn the reaſon for ſuch halts as I made, it will then be a queſtion for the judgment of the generals who compoſe this court, whether my attention and care to preſerve a firm and compact body of cavalry to ſuſtain or to attack, were improper.

Such is my defence with regard to the movements of the cavalry in general, after it came upon the plains of *Minden*; as to that particular charge which ſounds ſo highly againſt me, that, after I knew of his ſerene higneſs's orders to Lord *Granby*, I halted his brigade; it is anſwered already by his lordſhip's evidence, he ſays, that he did not underſtand Colonel *Fitzroy's* order to be addreſſed to him only to advance with his own brigade, but that it was an order for the whole line to advance. Had the order detached the Marquis of *Granby* from my command, I had been to blame to have halted his brigade upon any account; as that order did not detach him, nor could ſuperſede me in my command, it was my duty to attend to the execution of it, in the manner my judgment directed me, and I ſhall inſiſt upon it, that I made no unneceſſary halt whatever.

Having taken ſome notice of every particular article of the charge, I ſhall now beg leave to make one general obſervation upon the uncertainty of that evidence, on which ſo much of it depends; I mean the conjectures, rather than the opinions of men in an engagement, as to times and diſtances. The whole depoſitions ſhew how little theſe opinions agree together. Captain *Ligonier* ſays, that the enemy retired about three quarters of an hour after he carried his orders. Col. *Fitzroy* contradicts him, and ſays, that after he returned to the prince (which by the evidence we are to ſuppoſe was poſterior to Capt. *Ligonier*'s order) the action laſted an hour and a half; and Capt. *Derenthall* ſeems to contradict them both.

The infantry, according to Capt. *Ligonier* and Col. *Fitz-*

roy

roy was only advancing when they left the prince, yet according to Capt. *Winſchingrode*'s account when he met Col. *Fitzroy*, who had but juſt left the Prince, the infantry was in full action. Theſe are but a few inſtances of the many contradictions in regard to time, with which the evidence abounds. I don't mean it as a reflection upon the fairneſs of the witneſſes, but only to ſhew the uncertainty of ſuch evidence; and how very dangerous it becomes for an officer's conduct to be tried upon the various and uncertain apprehenſions, which men, whoſe attention is deeply engaged, entertain of times and of diſtances.

I ſhall endeavour, in the courſe of my evidence, to give the court a little more ſatisfaction in this reſpect, and to aſcertain the intervals of time, not by what paſſes in a man's mind, but by what he has done in the mean while; and, to prove the diſtances and ſituation of the ground, by thoſe who examined them cooly and deliberately, not by the ideas which men form paſſing at a gallop acroſs a cannonade.

I have now ſtated to the court the ſeveral articles of the charge, as I have been able to collect them from the evidence; and the nature of my defence to each. I have confined myſelf to the moſt general obſervations on the evidence already given, and I have avoided anticipating that which ſhall be given by any narrative of the facts to be proved. When the court has heard the whole, I ſhall then beg their indulgence, to lay before them, a full ſtate of my caſe as it ſhall appear on comparing the evidence for and againſt me. At preſent, I have only ſtated what is neceſſary for pointing out to their attention the matters to be proved.

This defence is intended not for the world, but for the information of the court. All I at preſent deſire, is, that mankind would ſuſpend their judgments of my conduct, till the evidence is cloſed; then I truſt in the goodneſs of my cauſe, which has ſupported me under a load of calumny, and emboldened me to aſk for this trial, that, under your favourable judgment, the can-

did will, with pleaſure, acquit me, the prejudiced be obliged to retract their raſh cenſures, and, that I ſhall once more be reſtored to the good opinion of my country, and of my ſovereign.

Delivered to the Judge-advocate.

Judge Advocate. As to what is ſaid of the orders of the 29th and 31ſt being thrown in to ſwell the charge, it is a miſtake. They were only mentioned to ſhew, that his lordſhip was acquainted with the ground.

Lord G. *S.* I appeal to the court, and to every body preſent at the court, Whether the Judge-advocate and the court have not conſtantly aſked queſtions touching the obedience of the orders prior to the action; inſomuch that they have gone into every particular of the march, of the ground, about quarter-ranks, and half-ranks. If they had been examining a major of cavalry they could not have done it more cloſely. Therefore I did think by that, and what was read, that I was to give ſome anſwer to it.

Preſident. I do not remember any queſtions aſked previous to the morning of the day of action.

Lord *G S.* I will call Col. *Hotham* to prove the orders I had, and ſhall carry him down to the firſt poſition.

Evidence for Lord George Sackville.

Col. Hotham *ſworn.*

Lord G. *S.* Pleaſe to inform the court, whether in the order of the 29th of *July* laſt, I was mentioned for any, or what duty?

A. In the order of the 29th of *July*, Lord *George Sackville* was appointed Lieutenant General of the Day, for the next day, that was the 30th.

Q. At what hour of the day did I return to my quarters from that duty?

A. On

A. On the 31ſt in the evening between 7 and 8 o'clock.

Q. At what hour on the 31ſt of *July* did you receive orders for ſaddling the horſes?

A. About ſix in the evening.

Q. Did you report to me that you had ſent them to the line immediately after the receipt of them?

A. I did.

Q. Had we not frequent orders for ſaddling a fortnight preceding the action?

A. We had.

Q. Was there any, and what order given to the whole corps of *Britiſh* troops to be in readineſs to march on the 31ſt of *July*?

A. In the morning of the 31ſt of *July* the following order was given. All the *Britiſh* troops to hold themſelves in readineſs to march, but not to ſtrike their tents till further orders. The cavalry to ſaddle immediately. The infantry to dreſs, and the whole to wait till further orders.

Q. Was it not generally underſtood, that they were to have marched to the right away from *Minden*?

A. It was ſuppoſed that they were to have marched to the right.

Q. Do you mean the whole army, or the *Britiſh* troops?

A. The *Britiſh* troops; the whole corps infantry and cavalry.

Q. Was you deſired to ſend theſe orders to me?

A. No.

Q. At what time did you go to the line on the 1ſt of *Auguſt*?

A. About ſix in the morning.

Q. Where was I when you joined me?

A. At the head of the line of cavalry.

Q. Was the cavalry then in march?

A. It was.

Q. At what time and where did you receive orders, on the 1ſt of *Auguſt*, for ſtriking tents, forming the line and marching?

A. I

A. I received on the 1ſt of *Auguſt*, immediately before I joined Lord *George*, from the Major of brigade, Major *Stubbs*, an order for the army to get under arms, and march immediately.

Q. Do you remember my being ordered whilſt upon the march to form into ſquadrons and afterwards into a line?

A. I do.

Q. By whom?

A. To form into ſquadrons by Major *Eſtoff*, and into line by Capt. *Malhorty*.

Q. Who ſhewed me the poſition the cavalry was to remain in?

A. Capt. *Malhorty*, at leaving my Lord *George*, to the beſt of my remembrance, ſaid, *vous etes bien ici milord*, or ſomething to that purpoſe, I ſuppoſe to remain till further orders. I cannot take upon me to ſay where the cavalry was to remain, but only where they were poſted. The court might underſtand that I meant to aſcertain where they were to remain.

Q. Did you obſerve any thing in my looks, manner, or behaviour, during that whole day, different from what it was at any other time?

A. I cannot ſay I did.

Lord *G. S.* This is all I have to aſk Col. *Hotham* as to this point.

Judge Advocate. Did you enquire of Major *Stubbs*, who brought you this order, whence it came, or from whom, or how it came?

A. I do not remember I did, becauſe it was then carrying into execution.

Q. Was the order ſealed up, or was it an open order?

A. It had been ſealed, but was open when he delivered it to me.

Q. You mentioned the cavalry being upon the march, was that from the encampment to where they formed the line?

A. They had moved about 100 yards from their encampment, as near as I can judge.

Q.

Q. How far had they marched from the camp, when Capt. *Malhorty* left them, as you mentioned?

A. I believe about three miles; I am not positive as to the distance.

Q. Was that the last position they took before they marched on?

A. It was the last position they took before they received further orders.

Lord *Albemarle*. Did you see any of the other columns in march, before the column of cavalry began their march. Did you see any of the infantry?

A. The infantry was breaking into columns at the time I passed them, just before I joined Lord *George*, as I was coming to the cavalry.

Q. We have heard of debouchers behind the plains. On which side of the debouchers leading into the plains did Capt. *Malhorty*, by the prince's order, form the cavalry upon?

A. The cavalry was the column on the right of the whole. It was on that side I understood that he formed them. They must have marched through the debouchers on the right as they were the column on the right.

Lord *G. S.* It may be proper to ask the position of the cavalry?

A. As I remember it, when Capt. *Malhorty* gave the order for the cavalry to form in line, they formed in two lines, as they marched on then in squadrons, so they wheeled up. They came into more open ground.

Q. Was Mr. *Malhorty* an Aid-de-camp?

A. Yes.

Q. Was you at the head-quarters, the morning of the battle?

A. I was not.

Q. Was you at Lord *George's* quarters?

A. I remained at the *British* head-quarters.

Q. How far was Lord *George's* quarters from the head-quarters?

A. I

A. I believe two miles and a half or three miles: I am not certain as to the diſtance.

Q. Was you at Lord *George*'s quarters?

A. I am always attached to the head-quarters of the *Britiſh*, that is a thing of courſe.

Lord *R. Manners*. By whom was the order opened?

A. I imagine by Major *Stubbs*.

Q. When was the order dated?

A. The 1ſt of *Auguſt*, but I don't recollect any hour.

Judge-Advocate. As you was at Lord *George*'s quarters, do you remember any order coming to Lord *George's* quarters that morning, to the ſame purpoſe as the order delivered by Major *Stubbs*, that he received afterwards?

Lord *George Sackville*. The quarters means the village, not in the ſame houſe with me.

Witneſs. I know of no ſuch order given to Lord *George*, that morning before I left my quarters, as that given by Major *Stubbs*.

Lieutenant Robert Biſſet, *Aſſiſtant Quarter-Maſter-General ſworn.*

Lord *George Sackville*. Pleaſe to relate to the court what you remember in regard to my going to the line the firſt of *Auguſt?*

A. Between five and ſix in the morning of the firſt of *Auguſt*, hearing a canonading, I got up, and liſten'd to it, and found it was to the right of the camp; I immediately dreſſed, and went to Lord *George Sackville*'s quarters, where I found his ſervants up, and buſy getting things ready: I aſked the ſervant if my Lord had any orders; they anſwered, That he had had a meſſage from the line; that he had ordered his horſes to be got ready, and was preparing to go there. I returned immediately back to my quarters, got my horſe and returned to Lord *George Sackville's* quarters. I found my Lord then ſtanding at the door of his quarters, and the groom was leading the horſe up to him. His lordſhip mounted and rid up to the line, without being accompanied by any of his aids-de-camp.

Q.

Q. Did you ride with me, or overtake me?

A. I overtook my Lord *George Sackville*; I went to my quarters after Lord *George* had mounted, to give ſome directions about my baggage, and I overtook my Lord *George* before he had paſſed the front of the *Welch* fuſileers, and accompanied him to the front of *Bland*'s.

Q. Had the infantry begun to march when we paſſed the fuſileers?

A. No.

Q. Did I march with the cavalry as ſoon as I arrived at the head of *Bland*'s?

A. My Lord *George Sackville* did.

Q. Do you remember my being ordered upon the march to form the cavalry, firſt into ſquadrons, and then into line?

A. My Lord ſent me to know what the ſmoke upon the left was; and, when I returned with the report, I found the cavalry forming in ſquadrons: in this order they marched till they came as far as the village of *Hartum*, when Lord *George* received orders to form the line; I think, from Capt. *Malborty*.

Q. Had the cavalry taken that poſition before the infantry began to form?

A. They had, a conſiderable time, which I know from the following circumſtance: Capt. *Roy* and I rode to the left of the line of cavalry, and were proceeding to the front by the windmill; we were there told by one of the gunners of the battery, attached to the pickets, that we could not proceed that way, as the enemy was very near; we then returned to the left, paſſed a little wood that divided the cornfields from the heath, and continued till we paſſed the firr-wood, when we came in view of the enemy: we then immediately returned, and in our way back ſaw the column of infantry debouching into *Minden* plain: I rode down, and ſpoke to Col. *Robinſon* of *Napier*'s: I then immediately returned back to the

cavalry, whom I found in the ſame ſituation as when we left them.

Judge Adv. The queſtion does not ſeem to be anſwered.

Lord *G. Sackville.* I wanted to know whether the infantry was formed after or before the cavalry: the witneſs ſays, he left the cavalry formed, took a detour, and ſaw the infantry debouching in columns; therefore they were not then formed: I will ſhew it more particularly hereafter.

Q. I have nothing elſe to aſk this witneſs, but what I am ſorry to aſk every witneſs: Did you obſerve any thing in my looks, manner or behaviour during that whole day, different from what it was at any other time you was generally with me?

A. The orders Lord *George* gave me, and the converſation I had with him, were the ſame as at any other time; the orders were diſtinctly given as at other times.

Q. Was there any thing different in my manner or looks from what they were at any other time?

A. No.

Q. Was you not with me the greateſt part of the day?

A. I was.

Preſi. What diſtance was the front of the *Welch* fuſileers from the right of the cavalry at the time you ſay you paſſed them?

A. About 600 or 700 yards.

Q. From the right of the cavalry?

A. From the *Welch* fuſileers to the right of *Bland*'s.

Gen. *Cholmondely.* You was aſked what diſtance it was from the *Welch* fuſileers to the cavalry: you ſay they were 600 or 700 yards from the right of *Bland*'s: I take it the right of *Bland*'s muſt be the further part of the cavalry. Pleaſe to deſcribe the ground the cavalry was drawn-up upon by Mr. *Malhorty*, what was in their front, and what on their right.

A. The

A. The right of the cavalry was to an incloſure, little in the front of the village of *Hartum*, and eir left was to a wood that divided the corn-ound from the heath; but my Lord *George* ad-nced the line a little from that poſt till they paſſed e incloſure, and then extended the front more to e right.

Q. What was in front?

A. In front was a windmill, and corn-ground tween the windmill and the line of cavalry.

Q. Was it incloſed or open ground?

A. Corn-fields, open corn-fields.

Q. Deſcribe the ground from that poſition the ca-lry was in, to the ground that you ſaw the enemy pon.

A. Upon the left of the cavalry to the heath, here lay a wood of about 300 or 400 yards; from ence to the ground where we came in view of the nemy, was a little open ground, with a gentle riſe the firr-wood, inſomuch that it intercepted our iew of the enemy till we came that length through he wood.

Q. Pleaſe to deſcribe the ground from thence to he enemy.

A. From the firr-wood to the enemy's infantry as open corn-fields.

Q. Were there any hedges?

A. There were hedges about the windmill a-croſs he ground and heath from the firr-wood to the ene-y's cavalry; their cavalry was drawn-up upon the eath.

Preſi. You ſay that Lord *George* ſent you out upon eing the ſmoke, What report did you make?

A. It was the enemy firing upon our works at *oninghauſen*, which we could not hear from the eight of the hill; we ſaw the ſmoke, but could not ear the report.

Gen. *Cholmondely*. You have ſaid, that when you eturned from the long ride you had, that you found

the cavalry had moved from the poſition where Capt. *Malhorty* firſt formed them.

A. They moved before we went off.

Q. How far did they move from the poſition where M. *Malhorty* firſt formed them?

A. About half the field, 50, 40, or 30 yards, till they got more room to form to the right; I ſhould not ſuppoſe above 30 yards.

Q. Do you know of any party being detached from the body of the cavalry to reconnoitre the wood?

A. I do not.

Lord *Harrington*. What diſtance was it from the enemy to the ground the cavalry was drawn-up upon?

A. That I cannot poſitively aſcertain; but I ſuppoſe it might be 12 or 1400 yards.

Q. The diſtance from the enemy to the ground the cavalry was drawn-up upon?

A. Above an *Engliſh* mile.

Q. Was the enemy advancing then?

A. No, they had halted, they were in a line forming; as to the diſtance, the way we went by the firr-grove, the enemy was above an *Engliſh* mile from the right of the cavalry; from the place I ſaw the enemy I believe it was about 1000 yards.

Q. What diſtance was it from where you ſaw the enemy to the right of the cavalry?

A. About a mile and an half; I cannot be exact as to the diſtance only by my eye.

Q. How did you underſtand the queſtion before? Here are two different anſwers to a queſtion. How did you underſtand it at firſt, when you ſaid it was a mile; and how, when you ſaid a mile and an half?

A. From the right of *Bland*'s to the enemy was above a mile.

Q. Do you mean the place where you ſaw the enemy?

A. The

A. The view of the enemy where I ſaw them.

Q. How did you account for the half mile?

A. I ſaid above a mile.

Q. Where do you take your poſition from?

A. From the right of the cavalry to the view I d of the enemy from the firr-grove.

Lord *Robert Bertie*. How far was it from the firr-ove to the enemy?

A. About 1000 yards.

Q. As to the enemy you ſaw from thence, how r were they from the cavalry?

A. A mile and a half; I ſaw them to the left.

Gen. *Cholmondely*. You was ſent out on account of me ſmoke?

A. No, that was upon the march.

Q. Was it pretty ſoon upon the march?

A. Yes.

Q. Did you make any report to Lord *George* of hat you ſaw?

A. I did not ſee the enemy.

Q. When you ſaw the enemy, did you make any eport to my Lord of what you had ſeen of them?

A. I do not recollect I did.

As to the diſtance: the diſtance to go by the firr-ood to make the great tour to the enemy is 1000 ards; but ſtraight on by the windmill is much earer.

Q. How far is it ſtraight a-croſs?

A. I ſhould ſuppoſe from the cavalry to the enemy traight a-croſs is 12 or 1400 yards, if we had gone traight on from the windmill upon the corn-fields.

apt. James Sutherland, *Quarter-maſter to the* Engliſh *camp, ſworn.*

Lord *G. Sackville*. Do you remember your going ith me from the pickets to the head-quarters on the ſt of *July*.

A. Yes.

Q. Do

Q. Do you remember in my way to the head-quarters my ſending any perſon, and whom, to reconnoitre the ground that evening, upon my accidentally hearing that an order for that purpoſe was come out?

A. I do; my Lord *George* ſent Lieut. Col. *Watſon* and Capt. *Smith*.

Q. How long did I ſtay with the Prince to make my report?

A. About half an hour.

Q. At what time did I return to my quarters?

A. I cannot exactly ſay the particular minute, but it was after 7 o'clock in the evening.

Q. When and where did you join me on the 1ſt of *Auguſt* in the morning?

A. I joined my Lord on his march at the head of the cavalry, after they had marched from the ground the encampment was upon, above a quarter of a mile.

Q. Do you remember my being ordered upon the march, to form firſt in ſquadron, and afterwards in line?

A. I do; to form firſt in ſquadron, and, after marching ſome time in ſquadron, to form in line.

Q. Who was guide to the column?

A. One *Meyer*, ſenior, an eſtabliſhed guide, a *German*.

Q. To what point was he to have led us, had we not been ordered to take a poſition ſhort of our intended deſtination?

A. To the windmill on the riſing ground near to the villages of *Halen*.

Q. What paſſed between you and me upon that ſubject?

A. When my Lord *George* was marching in ſquadron, he found fault with the guide for keeping too much upon the high-road, and deſired me to go and aſk what he meant by it: the guide's anſwer was

s, that we were marching over a friend's country, d he wanted to protect the corn-fields; but at he would lead his Lordſhip to the windmill ar to the village of *Halen*, where he was ordered lead him, and no farther.

Q. How far was the cavalry from that windmill hen we drew up?

A. I really cannot ſay how many hundred yards; t it was a very few, a very little way.

Q. How was the country beyond the windmill?

A. It appeared to me to be a very fine open ountry, all corn-fields, on the other ſide of the indmill.

Q. You was generally with me that day?

A. I was.

Q. Did you obſerve any thing in my looks, man- er or behaviour, different from what they were at ther times?

A. Indeed I did not.

Capt. Smith *ſworn.*

Q. You was Aid de Camp to Lord *George Sack- ille?*

A. Yes.

L. *G. Sackville.* Did you go to the advanced ickets with me the 31ſt of *July* laſt?

A. Yes, I did.

Q. Did we go through any of the debouchers ade from the camp to the plains of *Minden?*

A. Yes.

Q. Did I reconnoitre the country as far as I could onſiſtent with my duty in attending the pickets?

A. I remember my Lord *George* went beyond the idettes of the cavalry, and as far as to the huſſars, ho were forwards beyond them.

Q. Do you remember on the 31ſt of *July* my ending you and any other perſon to reconnoitre with guide the routes and debouchers towards the plain

of

of *Minden*, as I was going to the head-quarters t
report?

A. Col. *Watſon* and I went with a guide: Lor
George ſent me as he was going to the village o
Hill, to make a report to the Prince.

Q. What object did the guide ſhew you as th
deſtination of the cavalry, as a mark for the caval
to go to?

A. He ſhewed me a windmill, and he told m
we were to march by that, and leave it upon th
left: the windmill was near the villages of *Hal*
and *Hartum*.

Q. At what time, and where did you join me o
the 1ſt of *Auguſt* in the morning?

A. It was very near 6; I found my Lord upon h
march from the camp.

Q. Did you ſee any other General Office
there?

A. No.

Q. Do you know whether the column of caval
of the right wing marched from the camp as ſoon a
the columns of infantry?

A. I followed his Lordſhip as faſt as I could fro
my quarters, and went up to the line of infantr
firſt, and ſpoke with Gen. *Sporken*, who had ju
then begun his march, and he told me, that Lor
George was gone on to the cavalry.

Q. Pleaſe to relate to the Court in what manne
I led that column, and all that you know relatin
to the march.

A. We had not marched far from the camp till I ſa
an officer, I think it was Major *Eſtoff*, who brough
orders to form in ſquadron: when five or ſix we
formed, Lord *George* put them in motion. It wa
a little riſing ground; ſo I ſtood ſtill to ſee wh
effect that would have on the rear: and ſeeing the
begin to trot pretty briſkly, I went to the fron
and told his Lordſhip, that they were rather in
hurry

hurry, and begged him to halt; he did ſo, and deſired me to go to the ſame place again, and acquaint him when they were formed. I had been there a very little while, when he began to move again. I was ſurprized at that, and ſeeing an *Hanoverian* officer coming from the rear of the whole, I went to him: he was coming galloping up towards us. He told me he was going to beg we would move ſlower in the front. He told me, that they were going very faſt, that the cavalry would be blown. I acquainted Lord *George* with this, he anſwered me he would halt no more. I remember he pointed and told me, that we were going on, and deſired me to acquaint them, that he would move ſlow in front; that they would eaſily overtake him, when once they were formed, and deſired me to tell them not to hurry themſelves.

Soon after that I ſaw Capt. *Malhorty*; he brought an order to form the line. He marched with Lord *George*; they were converſing together, and I ſaw him point, and tell my Lord to halt there, and to wait for further orders. I ſaw the ground was too narrow for our line; I went into the front a good way, and I reported to my Lord, that the ground was wider to the right, if he advanced a little. He did ſo directly. *Bland*'s inclined to the right, and it did very well.

L. *G. Sackville.* I beg pardon for having detained the court with this long detail; it is only to ſhew in the march of the cavalry, how little an officer in one part of the line can know what is doing in another.

Q. Did you obſerve any thing in my looks, manner or behaviour, during the whole courſe of that day, different from what it was at any other time?

A. No, indeed—I believe Lord *George* would have gone to death that day, had it been neceſſary.

L. *Albemarle.* You ſay Lord *George*, in reconnoitring, went to the huſſars. I do not know where that was. How far did he go into the plain of *Minden?*

A. I have an idea of the ground very ſtrong upon me. It is difficult to name a particular place. I re-

member when I was there, he went to the extreme o
our posts, to a piece of ground that was open an
rising, and looked all round. There I heard some
body tell him, that an officer of Count *Buckeburg*'
troops was that afternoon taken in a village, pointin
forwards.

Q. Was it beyond the first wood that the cavalr
were drawn up behind near the windmill of the villag
of *Halen*?

A. Yes; he could see a great way beyond both, a
vast way out upon the plain.

Q. Was that *Hanoverian* officer Aid de Camp t
any body?

A. I know he was Major to a regiment. I wa
going to Lord *George*, but knowing the man, I aske
him where he came from—*Swinden* I think was hi
name.

Gen. *Cholmondely*. After the cavalry of the right
wing had taken their first position, Was you, or any
of my Lord *George*'s Aid de Camps, sent to recon-
noitre the wood, or the country beyond it?

A. Not that I know of. I did not know of it, and
am unwilling to go upon hearsay.

Q. I do not mean the instant they halted.

A. Not all the while we were there.

Capt. Richard Lloyd *sworn.*

Judge Adv. Was you Aid de Camp to Lord *George*
Sackville?

A. Yes.

L. *G. Sackville*. When did you join me on the firs
of *August* in the morning?

A. Just as the cavalry began their march from th
camp.

Q. Was any other General Officer there with me?

A. I did not see any other.

Q. Where did I send you, and what orders did I
give you?

A. My

A. My Lord *George* ſent me back to the village where his Lordſhip was quartered, to order his ſervants and horſes to follow him, and to tell any of the General Officers I ſhould meet, that the line had begun its march.

Q. Did you meet any of the General Officers?

A. I met General *Elliot* at the entrance into the village.

Q. Do you remember our forming in ſquadron, and afterwards in line?

A. I do.

Q. Do you remember, in the whole courſe of the day, any thing in my looks, manner or behaviour, different from what it was at other times?

A. Not in the leaſt.

L. *G. Sackville.* I propoſe to call two of the Field Officers to prove the orders I received in the camp.

Col. Preſton *ſworn.*

L. *G. Sackville.* Sir, I now confine myſelf to bringing the evidence down to the forming in line. A witneſs, I ſuppoſe, is not diſcharged by being only called to one point.

Q. To the witneſs. Do you remember an order on the 31ſt of *July* laſt, for ſaddling at one next morning?

A. Yes.

Q. Was that order executed?

A. It was by the regiment I had the honour to command; and I believe it was by the whole, as far as I know.

Q. Who brought you an order, and at what time, to ſtrike tents and form?

A. It was an orderly man brought it.

Q. Of what regiment?

A. I really cannot tell what regiment he was of: I had laid down upon the bed, and heard the orderly man call to the centinel.

Q. At what time was it?

A. Between four and five.

Q. Who ſent him?

A. Major *Stubbs*, the Major of brigade.

Q. How long was you formed before the cavalry marched?

A. I really cannot be poſitive how long it was. I went up to the front, and ſtayed a little there; and when I found they were not marching off, I went down again to the rear to give directions about the baggage. I came up again to the front, and ſaw the front line marching off. I ſaw them move very ſoon after that.

Q. Did you ſee or ſpeak to me in the courſe of that day?

A. Yes.

Q. Did you obſerve any thing in my looks, manner or behaviour, during the courſe of that day, different from what it was on other days?

A. No, really, I did not obſerve any alteration.

L. *G. Sackville.* I have nothing more to this point. I propoſe calling Col. *Preſton* again.

Then the court adjourned till *Monday* morning, ten o'clock, and Col. *Preſton* was ordered to attend.

HORSE-

HORSE-GUARDS, *March* 17, 1760,

At a COURT-MARTIAL there held by Adjournment.

Eighth Day's Sitting on Lord *George Sackville*'s Tryal.

PRESENT,

Sir *Charles Howard*, Preſident, and the reſt of the Members, as before.

Lord *George Sackville* ordered into Court.

Evidence for the Priſoner continued.

Col. Preſton *was called.*

SIR *Cha. Howard.* Lord *George Sackville*, you ſaid you had no further queſtions to aſk Col. *Preſton.*

L. G. *Sackville.* No.

Judge Adv. As Col. *Preſton* will be called again, I ſhall not trouble him with any queſtions now.

Col. Preſton *withdrew.*

L. G. *Sackville.* Before I call another witneſs, I would take the opinion of the Court in regard to the manner of proceeding, which will be moſt agreeable to them. If they would have me go ſtep by ſtep, I will do that. If they would have me go through with every witneſs, as he is called, I will do that. But previous to any ſtep in the other part of the caſe, I will call ſome of the artillery officers to prove the march and the poſition of the artillery, and every thing relating to them; after that I will go on ſtep by ſtep through the whole.

Judge

Judge Adv. I muſt have liberty to croſs-examine the witneſſes at any time.

Capt. David Williams *ſworn.*

L. G. *Sackville.* At what time did the *Britiſh* artillery march from the camp on the 1ſt of *Auguſt?*

A. Something after ſix o'clock.

Q. Who was the commanding officer in camp, when the artillery was put in motion?

A. I believe it was Capt. *Macbean* that put them in motion. But I think Capt. *Philips* arrived before they went off the ground.

Q. Do you know that there was any order for the artillery to march at that time?

A. I do not know that they had any; Capt. *Macbean* can beſt inform the Court of that.

Q. Was you ſent to me with any, and what meſſage from Capt. *Philips*, the Captain of the artillery, during the march?

A. To the beſt of my knowledge, I was ſent by Capt. *Philips* to ſee if I could find Lord *George Sackville*, or any other General Officer, that could tell me of any extraordinary orders relative to us; we were at a loſs for orders; we were marching from the ground without any orders. I then rode off, and the firſt General Officer I met was Gen. *Elliott*; I aſked him if he knew of any orders relating to us. He told me he did not, but that he would ſend an Aid de Camp to Lord *George Sackville.* I then begged to know where Lord *George Sackville* was; he told me in the front of the firſt line: upon which I told him, I believed I could be there ſooner than the Aid de Camp. I then rode up to Lord *George Sackville.* My Lord *George*, before I had time to ſpeak to him, aſked me what I wanted. I told him that Capt. *Philips* had marched from the ground with our heavy brigade of artillery; that he had ſent me to his Lordſhip, to know if he had any extraordinary orders for us. I think

ink my Lord ſeemed ſurprized at our not having ceived any orders; he therefore ordered me back haſten Capt. *Philips* up as ſoon as poſſible. I was nſible that Capt. *Philips* would not want to be hurried , and therefore rode off to the front to reconnoitre ground there.

I muſt obſerve, that I believe Lord *George* thought was gone back directly to Capt. *Philips*.

I went to Capt. *Roy* to where his artillery was. I ſſed by them. He was with the light brigade of illery. I did not go deſignedly to him, but to re-nnoitre the ground. I aſked him ſome queſtions. do not know very well what they were; but I be-ve they were tending to know how the enemy was uated. He made me little or no anſwer. As I was ry well acquainted with the ſituation of the ground ere, and had ſeen the direction of the enemy's can-n ſhot, I rode back as faſt as I could to Capt. *Phi-s*, informed him of what had paſſed between me d my Lord *George*, as alſo what I had done. Then returned to the artillery.

Q. Did I ſay any thing more to you, than to bid pt. *Philips* advance? Did I give any other order?

A. To the beſt of my knowledge Lord *George*'s preſſion was this: We ſhall find ſomething for you do in the front.

Q. Did you advance as faſt as poſſible with the ar-lery?

A. I think we did.

Q. Which way did you advance to the front? hat road did you take?

A. We marched pretty near in a direct line as far the wood, and in the ſame road I think that the *anoverian* artillery marched, and through the inter-ls of the cavalry of the right.

Q. Did you paſs through both lines?

A. We did.

Q. When you had paſſed the front line of cavalry, hich way did you then go?

A. I be-

A. I believe we marched ſtraight on for 100 yard and then turned to the left, and went through t wood; after we got through the wood, we inclin a little to the right, and near that wood unlimbere took the fore-wheels from the carriages. We loade our guns as ſoon as we could, and fired upon t enemy.

Q. Are you particularly acquainted with the woo and the ground about it?

A. I think I have a perfect idea of it.

Q. Had you frequently reconnoitred that groun and about it?

A. Yes.

Q. What ſort of a wood was it?

A. The wood to the right of us in front of t cavalry—I have a ſketch of it in my pocket; I do n know how to expreſs my ideas, without looking it.—The wood to the right of where we paſſed throug was thick.

Q. Do you mean in the front of the cavalry?

A. I mean the wood to the front of the cavalry and the left alſo. I cannot ſpeak ſo well to it, as fro the ſketch.

Preſi. You may look at the ſketch to refreſh yo memory.

(Witneſs produces it.)

This ſhews my idea of the wood, and what I mea by the front, and the left, and the road we paſſe through with the cavalry.

L. G. *Sackville.* What ſort of a wood was it upo the left of the cavalry, and towards the front of t cavalry?

A. Thick tall trees. It was with ſome difficul that we got through with our cannon.

Q. Did you march more than one carriage, or o gun abreaſt?

A. I believe not.

Q. Did you imagine that cavalry could marc through it without breaking?

A. I a

A. I am not a judge of what cavalry could do, but think they could not have marched above three or four horſes abreaſt.

Q. Have you ever ſeen a ſurvey of that ground?

A. I have.

Q. Where did you ſee it?

A. Count *La Lippe Buckeburg* gave it me.

Q. Does that ſurvey anſwer your own obſervation?

(Looks at the ſurvey.)

A. It does, the beſt of any I have ſeen.

Q. Does it lay down the wood as you have deſcribed it?

A. I think it does, only upon a ſmaller ſcale.

Q. What did you obſerve upon your firſt getting out of the wood?

A. I think it was our infantry that was to the left of us upon the heath, and, to the beſt of my knowledge, the *French* cavalry marching up to charge our infantry.

Q. How long was it, after you got upon the heath, before you opened the firſt *Engliſh* battery? How long did you take in unlimbering and repairing?

A. I believe we began to fire about half an hour after we paſſed through the cavalry.

Q. Upon what did your battery firſt fire?

A. I only anſwer for four guns, which I commanded. We firſt fired a few ſhot, I think upon the cavalry of the enemy, and then turned them upon a *French* battery that fired at us; when that battery was ſilenced, we turned the fire upon the cavalry and the infantry both.

Q. How long was it before you ſilenced the enemy's battery?

A. I cannot exactly ſay, but I believe they were ſilenced in about ten minutes.

Q. Did you afterwards advance?

A. When we found the enemy retreated we did.

Q. At what time of the day did the enemy re
treat?

A. To the beſt of my knowledge about twenty
minutes after eight.

Q. How far did you afterwards advance?

A. We advanced with the whole ten medium twelve
pounders, which was the whole. We came to a
marſh, or rather a meadow, that was there at the
bottom; two of the guns of the four that I com-
manded went about fifty or one hundred yards, for
what I know, into the meadow. I was ordered to
ceaſe firing, and theſe guns brought back to the edge
of the marſh.

Q. Who ordered you to halt there?

A. I cannot juſtly ſay, but I was told it was by
Duke *Ferdinand*'s orders.

Q. From the poſition you ſaw the cavalry in, and
your knowledge of the ground, was it nearer for the
cavalry to have joined the enemy by advancing by
the windmill, than by going through the wood to the
left?

A. I beg leave to refer you to the ſurvey for
that.

Q. Then look upon the ſurvey, and anſwer.

Judge Adv. He ſhould be firſt aſked whether he
knows the whole of the wood.

Preſi. Have you reconnoitred the whole of the wood,
and are you acquainted with it?

A. Yes.

Q. Can you give an anſwer to the queſtion without
looking at the ſurvey?

A. Every member of the Court may do it as well
as me.

Q. Can you be ſure that that plan agrees with the
wood?

A. I think it does. It agrees with my idea of
it.

L. *G. Sackville.* How does it appear from the ſur-
vey?

A. It

A. It appears to be nearer. I have been over the ground many times; have ſeen it before the battle and after.

I am not certain as to the poſition of the enemy, but as they were obliged to retreat by *Minden*, it appears to be much nearer.

Q. The queſtion was, when you ſaw the cavalry poſted in line, which was the neareſt way to the enemy; they were between the cavalry and *Minden*?

A. I cannot take upon me to judge where the enemy was.

L. *G. Sackville.* I have no other queſtion to aſk him, but that general queſtion:

Q. Whether he ſaw any thing in my looks, manner or behaviour, during the whole of that day, different from what it was on other days?

A. I neither did, nor ſuſpected it, eſpecially as I received my orders very diſtinctly from Lord *George*.

Judge Adv. It cannot be ſuppoſed that I am acquainted with matters relating to the artillery, therefore I will only aſk a queſtion or two.

Q. Did you receive any other orders from Lord *George Sackville*, at any other time that day?

A. No.

Q. Had you any converſation with him at any time that day?

A. Not any.

Q. With reſpect to the few ſhot that you mentioned to have fired from the guns under your command, Did you perceive that they had any effect upon the enemy's cavalry?

A. I cannot ſay. I believe they took place, as I pointed moſt of them myſelf. But I did not perceive any thing remarkable.

L. *Delawar.* I will aſk a queſtion for my own information. In one of your anſwers you gave an account that you marched ſtraight forwards about one hundred yards, then you turned to the left through

the wood, after that you went a little to the right near the wood, unlimbered, loaded and fired upon the enemy, and then you ſay our infantry was to the left and the *French* cavalry marched up to charge them. Then you was aſked, on your knowledge of the ground, whether it was nearer for the cavalry to join the infantry by the windmill, or by going through the wood to the left, and you ſay you are not certain as to the poſition of the enemy; but as they were obliged to retreat by *Minden*, the windmill was the neareſt way. Now I ſhould be glad to know, as to that part of the enemy you ſaw and fired upon, was it nearer for the cavalry to join them by the windmill or by going through the wood?

A. I do not know through what part of the wood the cavalry went, and every moment of time, when troops are in motion, they alter their diſtance.

L. *R. Bertie.* From the ſituation the cavalry were in, as you paſſed through the two lines, was it nearer to have gone by the windmill to the enemy you firſt fired upon, or was it nearer to have marched to the left through the wood to them?

A. I muſt beg leave to obſerve, that I am not to judge of what the cavalry might have done, nor do I know which way they marched. I can tell how I ſhould have gone with a ſingle horſe.

Q. But as to the road?

A. I know of no road.

Q. If you had gone through with an horſe?

A. The way the artillery went, I ſhould have left the windmill a little to the right. Upon a ſingle horſe I ſhould have gone a little to the left of the windmill which I think is the ſhorteſt way.

Q. Is that the ſhorteſt way?

A. Yes, if there had been no impediment.

Preſi. Who gave you the orders for drawing up the artillery, and firing upon the enemy?

A. I do not know. I believe it was Capt. *Philips*. I am not certain; but I believe it was by general con-

ſent.

t. There were ten guns in one line. Capt. *Mac-* had ſix, and I had four.

Q. How far was it from the poſition the cavalry s in, when you paſſed them, to the ſpot where you limbered, from the left of the cavalry?

A. I believe it was between five and ſix hundred rds from the left of the cavalry.

Q. How far was it from the ground where you limbered, to the enemy's cavalry that you fired on?

A. It is impoſſible for me to aſcertain how far.

Q. How far do you think?

A. I think it was between nine hundred and one ouſand yards.

Q. How near was the enemy's cavalry to our in- ntry at the time of your firing upon them?

A. I cannot give any kind of gueſs, as the *French* ttery engaged my attention a good deal at that me.

L. *Harrington*. How long was it from the time of our paſſing through the cavalry to your ſeeing them gain upon the plain of *Minden?*

A. As the enemy retired, we with the artillery ad- anced, and fired when we had opportunity. I do not emember that I ever in particular looked back till e ceaſed firing, then I think the cavalry was in the ear of the infantry, both which were four or five undred yards behind the artillery. I am not certain, ut I think ſo.

Q. Where were they?

A. In the rear of our artillery.

Q. What ſort of ground was it after you paſſed hrough the wood?

A. When we firſt paſſed through the wood, I be- ieve there was a ſmall field of corn; to our left was eath, when we firſt came out of the wood.

Q. Did you then march with more than one gun n front, after you was through the wood?

A. No; there were troops and baggage to the left.

I believe

I believe they were the *Hanoverian* waggons, whi even prevented our own ammunition waggons comin up abreaſt.

Q. Did you ever upon a march advance with mo than one gun in front?

A. It is the rule with us, where the ground wi admit of it, in order to ſhorten the line of march, t march two, three, four, five, ſix, ſeven, eight, nine, o ten in front.

Preſi. Who gave you the order for the artillery t march to the heath?

A. When I went back to Capt. *Philips*, I told hi that Capt. *Foy* was warmly engaged (or words to tha effect) with a *French* battery cannonading. Capt *Philips* ſaid, we will go and relieve him. I mad anſwer that we could be of no ſervice there, for the did not ſee the enemy, nor did the enemy ſee them that I know of. I told him, to the beſt of my know ledge, that we had beſt go to the left, which Capt *Philips* agreed to. A little before we entred the wood we met Duke *Ferdinand* and the Duke of *Richmond*. The Duke of *Richmond* rode up to us, and gave a order, I don't know to whom in particular, but h ſpoke to any body that heard; that it was Duke *Fer dinand*'s orders that we ſhould go there, pointing t the wood, which was then become to our right, an fire upon the enemy as faſt as we could. I think ſaid it was impoſſible to go there, which I think Capt *Philips* and Capt. *Macbean* agreed to. We marche on inclining to the left as we came out of the wood without any farther orders that I know of.

Gen. *Cholmondely*. You have ſaid that it is the rul with the artillery, that when they can they doubl up, as far as from two or three to ten. Theſe wer twelve-pounders. Did you ever ſee this put in ex ecution?

A. I am not certain to the number of ten; bu I believe I have. I remember that day, when th *French* retreated, we marched with as many abrea

we could, thirty or forty foot from each other, in der for the purſuit.

Q. From your own knowledge, how many is the eateſt number of cannon you ever have marched th abreaſt, of what calibers, by whom commanded, d where?

Witneſs. I ſhould be glad to know whether the eſtion means in the field, or where?

Q. I do not mean upon the parade. I mean in an emy's country, where you are likely to come to ction.

A. I think, to the beſt of my knowledge, when commanded a brigade of artillery under the Here- tary Prince, where we expected the enemy every our, that I marched them to the number of ſix or ght, I believe. I cannot tell in whoſe country it as.

Q. The calibers?

A. Twelve and ſix pounders, I think; I am not oſitive; if I had time I could recollect. Capt. *Philips* nd Capt. *Macbean* have made uſe of the ſame method hen they commanded.

Q. I make a difference between artillery upon the narch, and artillery doubling up to a line and forming; herefore when you expected the enemy, was you eady drawn up and formed, or did you form them om one to ſix upon the march?

A. I formed them from one to ſix upon the narch.

Q. At the time you mentioned, did you march ith ſix pieces ready formed, or did you form them pon the march?

A. I really do not know what is meant by form- g. I ſaid the reaſon we did it was to ſhorten the ne of march.

Q. Forming is a military term from quarter to alf ranks, and ſo to ſquadrons; ſo you form from ne gun to ten. I aſk whether theſe ſix guns were ready

ready formed, or did you form them upon the marc from one to ſix?

A. I ſaid from one to ſix upon the march; whe we come to action we take the fore-wheels off.

Q. But the day you marched under the Hereditar Prince, when you was marching up, had you th cannon then regularly formed ſix pieces abreaſt, o was you marching up with one ſingle cannon, and a you marched along doubled up?

A. I ſay we were marching on one behind anothe and upon the march, in order to ſhorten the marc we doubled up into ſix.

Q. How far did you march with ſix cannon i front?

A. It is impoſſible for me to aſcertain the diſtance It is as the ground will admit of it.

Q. But at that time?

A. I cannot tell whether it was five hundred yard or fifty.

Q. Did you ſerve the laſt war in *Flanders?*

A. I did not ſerve the laſt war in *Flanders*. I wa in *Germany* in the year 1743, and was frequently wit the army.

Capt. Forbes Macbean *ſworn.*

L. *G. Sackville.* Did you give orders for the marc of the *Britiſh* artillery on the firſt of *Auguſt* from th camp?

A. I did.

Q. Had you any order for ſo doing?

A. There was no direct order from his Seren Highneſs that morning for ſo doing.

Q. Do you remember any body, and whom, bein ſent to me from Capt. *Philips* during the march, relation to the artillery?

A. Yes. I was not preſent, but Capt. *Philips* to me immediately after, that he had ſent Capt. *Wi liams* to Lord *George Sackville*, at the head of th cavalry.

Q. D

Q. Did you know the anſwer he brought?
A. Yes.
Q. Did you advance as faſt as poſſible afterwards?
A. Yes.
Q. Did you paſs through the lines of cavalry?
A. To the beſt of my memory we did.
Q. When you had paſſed the front line of cavalry, how did you get into the plain?
A. We advanced a little to the left, where we heard the biggeſt cannonading.
Q. Did you go through the wood?
A. Yes.
Q. Was there a road or track through it?
A. Yes; to the beſt of my knowledge, a track made by the *Hanoverian* artillery that went before us.
Q. Have you a plan or ſurvey of the wood?
A. No.
Q. Have you ſeen any that you take to be accurate?
A. Yes.
Q. In whoſe hands is it?
A. Capt. *Williams*'s.
Q. What did you obſerve upon your firſt getting out of the wood?
A. I obſerved, a little advanced to our left, a body of troops cloſely engaged, and a battery in our front.
Q. When did you open the firſt *Engliſh* battery, that which you commanded?
A. I cannot recollect the time.
Q. Did you not open it as ſoon as you could unlimber?
A. Immediately.
Q. Upon what did it play?
A. We played upon a battery which was oppoſed to us in our front.
Q. How ſoon did it ſilence that of the enemy?

A. To the beſt of my remembrance, in about minutes time.

Q. Upon what part of the enemy's army w your fire directed after you had ſilenced th battery?

A. Upon the body of cavalry.

Q. How ſoon did you advance after you ha ſilenced the enemy's battery?

A. I cannot ſay exactly the time; but, when w found that the enemy's battery was ſilenced, w advanced.

Q. How far did you advance afterwards in th courſe of the day? Pleaſe to mention the differen ſteps you took.

A. When we kept advancing, the firſt body o troops which we diſcovered as a proper objec was two large columns of infantry; we immediatel unlimbered, and began playing upon them; the very ſoon broke and diſperſed: it was afterward ſaid they were *Saxon* troops. We then ſtill advance nearer to *Minden*, till we were fired upon from th ramparts, after having played for ſome time upo the rear-guard of the *French* army.

Q. Who ordered you to halt?

A. His Serene Highneſs the Duke.

Q. Did any, and what troops ſupport you battery?

A. There were no troops near us: there was regiment allotted for the ſervice of the artillery but, upon our firſt coming into the field and un limbering, I preſume they were otherwiſe diſpoſe of; they gave us twenty men to aſſiſt us, and we ſaw no more of them: it was a regiment of *Saxe-Gotha*.

Q. Did Capt. *Phillips* ſend you to apply to an body, and whom, for that purpoſe, for ſupportin the artillery?

A. Yes, he ſent me to apply to any Genera Officer at the neareſt part of the line.

Q. To whom did you apply, and what paſſed?

A.

A. I found Major-General *Scheele* of the *Hanoverian* troops, who commanded a brigade, I think, our rear at a diſtance.

Q. What paſſed?

A. I acquainted the General, that I was ſent by Capt. *Phillips* to inform him, that we were advancing to fire upon the enemy wherever we ſaw them; and his brigade was the neareſt troops to us, that he might ſupport us. His anſwer was, that he had orders from his Serene Highneſs the Duke to remain there, and not to expoſe his brigade to the cannon of *Minden*, towards which place we were then advancing, to fire upon the ſcattered remains of the *French* troops. Major Gen. *Scheele*, at the ſame time, deſired I would acquaint Capt. *Phillips* of it, that he might not expoſe himſelf to the fire of the town.

Q. Did you go by day-break next morning after the battle towards *Minden?*

A. I went, to the beſt of my remembrance, between 4 and 5 o'clock next morning.

Q. Whom did you meet coming out of the town?

A. I met a *French* officer accompanied with a trumpet.

Q. Who was that officer?

A. He informed me that he was Aid de Camp to the Quarter-Maſter-General of the *French* army.

Q. What did he ſhew and deſcribe to you in coming along?

A. He gave me a general account of the order and diſpoſition for battle by Marſhal *Contades*, the particulars of which I cannot remember, only that he was ſent by Marſhal *Contades* to conduct the Duke *De Broglio* to his poſt; that the whole *French* army had orders to be upon the field of battle, upon the ground aſſigned them, at midnight; that the right of the *French* army was to be near to a red houſe, which he then ſhewed me; the army was to be drawn

up at midnight, and, to the beſt of my remembrance, he ſaid they were there.

Q. Did you ſpeak to me during the action?

A. No.

L. *G. Sackville.* Then I ſhall not aſk him the general queſtion.

Judge Adv. If the latter part of this evidence ſhould appear to be material, I hope to be indulged with examining to it hereafter; I cannot ſee a poſſibility of its being ſo at preſent: I would not anticipate his Lordſhip's defence.

L. *G. Sackville.* The other day I aſked what inſtructions were given by Prince *Ferdinand* previous to the engagement: I aſk theſe queſtions now, to ſhew that the *French* army was there ſo early that there was not really time for giving any.

Judge Adv. You ſay you have ſeen a ſurvey, which you believe to be accurate, and which Capt. *Williams* had: when you ſpeak of the accuracy of this plan or ſurvey, do you mean that it is accurate as to that part of the wood through which you paſſed or marched with the artillery; or are you acquainted enough with the wood to ſpeak to the accuracy of the plan through the whole wood?

A. I only mean that part which we marched through.

Q. You obſerved a battery and a body of troops cloſely engaged: what part of the *French* army was that body of troops?

A. I believe they were the *French* cavalry engaged with the *Britiſh* infantry.

Gen. *Cholmondely.* Pleaſe to deſcribe that part of the wood you marched through, and the other part that you obſerved in marching through.

A. I have but a very faint idea of the wood in general; but that part that we marched through was thick enough to prevent our marching with the artillery to the ſpot propoſed; therefore we were obliged to follow the track which the *Hanoverian* artillery

illery had made before us, and were thereby bliged to make a little detour to the left.

Q. Did you think that that was the thickeſt part f the wood where you marched through?

A. As I have but a very faint idea of the wood general, I cannot tell that.

Q. Could you march more than one a breaſt rough the wood?

A. No.

Q. When you came out of the wood upon the lain, did you double up with any of your cannon?

A. Yes, we drew them up in a line.

Q. How many in a line?

A. Ten guns.

Q. Did you then advance with ten guns in front?

A. No.

Q. I ſhould be glad to know, when you are marching up to an enemy with one gun in front, what is the greateſt number that you have doubled up to, kept advancing with, of what caliber, where and by whom commanded?

A. All batteries in the field are drawn up in a line.

Q. How many can you double up to and advance with?

A. We never march with more than one gun in front: as ſoon as we come within ſight of the enemy, we draw all the guns we have, or as many as the ground will admit of, in a line.

Q. In your practice how many have you ſeen them double up to?

A. All the guns we have: that is the general practice.

Q. From your experience at any engagement, or any ſpot, how many have you doubled up to, and have you kept marching forward with them, let the number be five or ten, or any number.

A. The largeſt brigade I ever belonged to was this on the 1ſt of *Auguſt*; we were twelve-pounders, that

that was the caliber. It was my brigade; but Capt. *Phillips* was the ſenior officer, he commanded it on that occaſion.

Q. Now, as to marching forward, you have ſeen them double up to ten, did they all march forward in line?

A. No, that cannot be with heavy guns; but it is uſual with lighter guns, or battalion guns.

Q. How many guns were there at that time?

A. The brigade conſiſted of ten.

Q. Did you ever know of ſix twelve-pounders marching in front and advancing?

A. I cannot ſay I have.

Q. How many horſes had you at each gun?

A. Five, as I remember; it is the government's allowance.

Q. Were five horſes able to draw theſe twelve-pounders through the wood?

A. Yes.

Lord *Albemarle*. Did the *Britiſh* artillery lead the firſt column?

A. No.

Q. To what column did the artillery belong?

A. The heavy artillery of the right of the army formed a column of themſelves.

Q. In other marches, did not the *Britiſh* artillery always follow that column, the heavy artillery of the right, unleſs there were particular orders to the contrary?

A. In general, when the army marched to the right, the *Britiſh* heavy brigade of artillery led the column; but, when the army marched to the left, we brought up the rear.

Q. Where were the guides, at the head of the *Britiſh* or *Hanoverian* artillery?

A. I preſume they were at the head of the *Hanoverian* artillery; we ſaw nothing of them.

Q. Was there a guide always at the head of the *Britiſh* artillery when they led the column?

A. Yes.

A. Yes.

Q. How near was the right wing of cavalry to the body of troops that you ſaw engaged when you paſſed them?

A. I cannot tell; for the wood already ſpoken of intercepted the view of them.

Q. You may recollect how far it was from the wood to the ſpot of ground where you firſt unlimbered?

A. We were then juſt before the wood.

Q. How far was it from that ſpot of ground to the ground you ſaw the *Britiſh* infantry engaged upon?

A. The diſtance, to the beſt of my remembrance, was between 800 and 1000 yards.

Gen. *Cholmondely*. Did you ſee the two lines of cavalry of the right wing formed?

A. In marching up to the field of battle, I remember paſſing through the intervals of the cavalry of the right wing; whether they were at that time drawn up in one or two lines, I cannot recollect.

Q. Did you ſee them either in one or two lines halt? did you ſee the cavalry drawn up and halted?

A. They were halted when we paſſed through them.

Q. What was the diſtance between the cavalry when drawn up that you paſſed through their intervals, to the wood that was upon their left?

A. I cannot ſay.

Q. Did you not march through the cavalry and go to that wood?

A. Yes.

Q. You marched with the artillery, and very ſlowly, and you do not know the diſtance between the cavalry and the wood?

A. No.

Q. Was there any thing in particular that would hinder you knowing that diſtance?

A. No, not that I remember.

Q. Was

Q. Was there any thing that more particula pointed out the diſtance between the place wh you firſt unlimbered, and the place where you f the troops engaged, than pointed out the diſtan that I have aſked about, between the place wh the cavalry was formed and the wood?

A. Yes, there being the enemy, which alone looked for.

Q. I ſhould be glad to know, whether judging diſtance is not of the greateſt uſe to people co cerned in artillery, and what they greatly ſtudy make themſelves maſters of?

A. Yes, of very great uſe: in the field we mak no uſe of inſtruments to aſcertain diſtances, and on judge by the eye.

Then the Court adjourned till to-morro morning ten of the clock.

HORSE-

ORSE-GUARDS, *March* 18, 1760.

At a COURT-MARTIAL there held by Adjournment.

inth Day's Sitting on Lord *George Sackville*'s Tryal.

PRESENT,

r *Charles Howard*, Preſident, and the reſt of the Members as Yeſterday.

Lord *George Sackville* was ordered into Court.

Evidence for Lord *George Sackville* continued.

LORD *George Sackville*. Sir, The evidence I am now going upon is to eſtabliſh the fact of Capt. *Winſchingrode*'s coming, of the orders he delivered, and the ſituation we were then in; and I propoſe going no farther than from the time of Capt. *Winſchingrode*'s coming, to the time of Col. *Legonier*'s arrival; and ſhall aſcertain times and diſtances as near as I can.

Preſi. Does your Lordſhip call Capt. *Hugo* to-day?

L. *G. Sackville*. Sir, he is a very material evidence. will call Col. *Hotham* firſt.

Col. Hotham *ſworn.*

L. *G. Sackville*. Do you remember Capt. *Winſching-de*'s coming to me?

A. I do.

Q. In what manner did he come?

A. Upon the gallop.

Q. What order did he deliver?

A. The order he delivered, as I underſtood it, as that the cavalry ſhould form one line, as a third ne, to ſuſtain the infantry, and advance.

Q. What did you underſtand by advancing?

A. As I could not then know the poſition of the infantry, I could give no other interpretation to the word than the obvious meaning of it, to move forwards.

Q. Did I make him repeat his order?

A. You did.

Q. Did he explain it in any other manner than by repeating his order?

A. I did not hear him explain it.

Q. In what language did he ſpeak?

A. I think in *French*.

Q. Did you hear him ſpeak to Capt. *Hugo* in *German?*

A. I did not.

Q. Did you hear or ſee me ſpeak to Col. *Sloper*, or Col. *Sloper* ſpeak to me?

A. Not that I remember.

Q. Do you remember Capt. *Legonier*'s coming to me ſoon after? (I call him Captain, becauſe that was his rank at that time.)

A. I do.

Q. How ſoon in your opinion?

A. I ſhould ſuppoſe from 5 to 10 minutes.

Judge Adv. How long had the cavalry been formed in two lines before Capt. *Winſchingrode* came to Lord *George Sackville?*

A. I cannot be preciſe as to the time; but I ſuppoſe it might have been half an hour; I may be miſtaken, I cannot take upon me to aſcertain it.

Q. You mentioned that the order he delivered was, that the cavalry ſhould form a line, as a third line, to ſuſtain the infantry, and advance. Pleaſe to explain to the Court, how you underſtood the order,—whether the line was to be formed before you advanced, or how?

A. The order itſelf, if I underſtand it right, ſeems to me to anſwer that queſtion. That the cavalry ſhould form in one line, as a third line, to ſuſtain the infantry

fantry and advance. I don't know whether this, quires any further explanation.

Q. You underſtood they were to form in one line d then advance?

A. Yes.

Q. Did you underſtand from thence, that the firſt ovement they were to make they were to form in e line?

A. Certainly.

Q. Did their advancing in one line, conſidering the en ſituation of the cavalry, ſeem practicable?

A. I ſuppoſe it was. (*On reading the evidence over added*) It rather appears to me they could not form one line between the wood and the village, without e wood interſecting it.

Q. Did their advancing in one line, ſo as to ſuſtain e infantry, ſeem practicable?

A. I can be no judge of that, as I have juſt ſaid, did not then know the poſition of the infantry.

Q. Pleaſe to deſcribe the ſituation of the cavalry, ow they were then ſituated, what in front, and what n each ſide, at the time Capt. *Winſchingrode* delivered e orders.

A. As far as I recollect of it, the village of *Halen* as upon the right, and the left of the lines extended wards the wood.

Q. What in front?

A. I recollect nothing particular in their front, it emed to me to be open ground.

Q. From your knowledge of the ground there, ow far do you apprehend the cavalry could have dvanced forwarder in one line?

A. It is impoſſible for me to ſay how far; I cannot ſpeak with preciſion. They did advance afterards in one line; I cannot take upon me to ſay how r, or how far they might have advanced; to aſertain that I muſt be punctual as to diſtances, hich is impoſſible.

Q. Can you form any judgment at all? You say they did advance; how far, as you judge?

A. I fancy half a mile, or three-quarters of a mile.

Judge Adv. I mean from the place where the cavalry was drawn up in two lines: How far did you advance from that place in one line?

A. I cannot say, it might be half a mile, or three-quarters of a mile.

Queſtion repeated.

A. I underſtood all theſe queſtions, and have anſwered, as if it was inquired, how far from the time of Capt. *Winſchingrode*'s order they advanced at all during the whole courſe of the day.

Q. Then as you now underſtand it, from your knowledge of the ground, how far do you think the cavalry could have advanced in one line from the ground they were upon?

A. I underſtand the queſtion; I am afraid my anſwer will make it run into another part of the day. The ground might not be open in front; it is impoſſible for me to aſcertain it. If you go into another part of the day, I can anſwer it.

Q. Did the cavalry afterwards advance in one line from the ground where they were ſo formed?

A. That is the ground where Capt. *Winſchingrode* came to us. Where they preciſely formed in one line, I do not know; becauſe I was not with the firſt line at that time; but that they were afterwards formed in one line is certain. If I was to explain that ſtill farther, I ſhould run into another part of the day, I ſhould ſay that the ſecond line was then upon the left of the wood; when I ſaw them forming the ſecond line had then gone through the wood.

L. *Albemarle.* I could wiſh, if it might be done with convenience, that Lord *George* would examine each witneſs throughout.

L. *G. Sackville.* I am now purſuing the method I ſet out with; Col. *Hotham* by his anſwer had carried our cavalry through the wood, to the other ſide of

wood, which is another part of the caſe. If the urt had told me yeſterday, when I propoſed it to m, that I ſhould carry each witneſs through the ole, it would have been equaily agreeable to me this. I mentioned that this period went no far- r than Capt. *Legonier*'s coming; I could explain is evidence by aſking further queſtions; but then would be going beyond the time, and running into nfuſion.

Preſ. The Court is of opinion to go on and confine rſelves to periods as Lord *George Sackville* deſires.

Judge Adv. Do you know of the *Britiſh* cavalry of e right wing having been formed in one line, or of eir advancing in one line on that ſide of the wood here they were poſted before they paſſed the wood?

A. Not whilſt they were on the right of the wood, at I know of.

Q. You did not know the poſition of the infantry hen Capt. *Winſchingrade* came: Do you apprehend hat Lord *George Sackville* knew it at that time?

A. It is quite impoſſible for me to ſay whether he id or did not.

Q. Did Lord *George Sackville* aſk Capt. *Winſching- ode* any thing relative to the poſition of the infantry?

A. Not that I heard.

Q. Did you, as you apprehend, hear the whole of hat paſſed between Lord *George Sackville* and Capt. *Winſchingrode?*

A. I do not recollect to have heard any thing paſs etwen them, but what I have recited.

Q. Do you apprehend that more might have paſſed, nd you not have heard it?

A. It might undoubtedly, but I did not hear it.

Q. How long do you apprehend Capt. *Winſching- ode* ſtayed with Lord *George Sackville?*

A. It appeared to me a very ſhort time.

Q. Do you remember having heard any mention made either by Capt. *Winſchingrode* or Lord *George Sackville* of trees or a wood on the left?

A. I have

A. I have juſt ſaid that I remember no converſatio between them, but what I have recited.

Q. I did not mean to aſk you the ſame queſtion only to ſee if I could bring any thing to your memory

A. No.

Q. Do you remember any pointing to trees on th left by Capt. *Winſchingrode* or Lord *George Sackville*?

A. I remember Capt. *Winſchingrode* had his ſwor in his hand; but I do not remember his pointing wit it particularly one way or another.

Q. Did you hear Capt. *Winſchingrode*, during th time he was with Lord *George Sackville*, ſay any thing in *Engliſh*?

A. I do not remember he did.

Q. You ſay you do not remember hearing Lord *George Sackville* ſpeak to Col. *Sloper*, or Col. *Sloper* to him: Might not converſation have paſſed between Col. *Sloper* and Lord *George Sackville*, and you not hear it?

A. Perhaps it might, I cannot poſitively ſay it could or could not; I do not remember any.

Q. Was Lord *George Sackville* near to Col. *Sloper*?

A. I cannot ſay I recollect Col. *Sloper* at all, at that inſtant; but as I think it was at the head of *Bland*'s Capt. *Winſchingrode* delivered his order, he might be there, though I did not obſerve him.

Q. Did you remain with Lord *George Sackville* from that time till Capt. *Legonier*'s arrival?

A. I remained with the front line; but whether I was cloſe to Lord *George* the whole time or not I do not recollect.

Q. Can you recollect whether Lord *George Sackville* remained in that place during that whole time?

A. Lord *George* remained, I think, with the front line during that time; but I will not take upon me to ſay as to the individual ſpot.

Q. Did you hear or obſerve Col. *Sloper* ſpeak to Lord *George Sackville* after Capt. *Winſchingrode* went away: You ſay you did not while he was there.

A. I do

A. I do not recollect it.

Q. Do you apprehend he might have done it and ...u not obſerve it?

A. He might to be ſure, I cannot ſay he could not.

Q. You ſay that the time from Capt. *Winſchingrode*'s ...ing to Capt. *Legonier*'s coming, you ſhould ſuppoſe, ...s confined to ten minutes: Did any particular cir...mſtance, which intervened between the going of ...apt. *Winſchingrode* and the coming of Capt. *Legonier*, ...able you to form a judgment with any more preci...on of the time than you otherwiſe might have done?

A. No, not that I know of, I ſpoke to that point ...f time purely from opinion.

Q. Pleaſe to inform the Court whether any and ...hat ſteps were taken by Lord *George Sackville*, within ...our obſervation, in conſequence of the order delivered ...o him by Capt. *Winſchingrode*, as you underſtood it?

A. I do not know what meaſures Lord *George ...ackville* took in conſequence of that order.

Q. Do you know whether the eſtabliſhed guide ...hat was appointed, remained with the cavalry, after ...apt. *Malhorty* had left it?

A. I do not remember to have ſeen him after Capt. *...alhorty* left Lord *George Sackville*.

Q. Do you know of any perſon being ſent into ...he wood by Lord *George Sackville* to reconnoitre, and ...ee where the cavalry could paſs?

A. I do not.

Q. Do you recollect what other perſons were preſent, ...r as you apprehend within hearing, at the time Capt. *...inſchingrode* delivered his order to Lord *George ...ackville*?

A. Some of Lord *George Sackville*'s Aid de Camps I ...hink were preſent; but perſonally I do not recollect ...hem.

Q. You ſaid on a former examination, that it was ...he general opinion that the *Britiſh* troops were to ...march to the right away from *Minden* on the 31ſt of ...*July*: Upon what was the opinion grounded, that the *Britiſh* troops were to have marched to the right?

A. My

A. My anſwer, if I remember right, to that queſtio of Lord *George Sackville*'s, was, It was ſuppoſed the were to have marched to the right. I mentioned only as a ſuppoſition and mere matter of opinion: B I do not know that there was any poſitive foundatio for it, as no body, I preſume, but his Serene Highne knew his particular reaſon for giving that order.

L. *Delawar*. Relative to this I would aſk a queſtion You ſay that on the 31ſt of *July* orders were given t hold in readineſs to march; but not to ſtrike the tents: Whom had you that order from?

A. All orders came to me from the Adjutant General of the army.

Q. Did you carry theſe orders to L. *George Sackville*

A. I acquainted Lord *George Sackville* of them, an I think by one of his Aid de Camps.

Q. You ſaid you was not deſired by any body t ſend theſe orders to Lord *George Sackville:* Was you de ſired not to acquaint Lord *George Sackville* with them

A. When I received this order, I repreſented, tha Lord *George Sackville* being then on duty as Lieutenant General of the day, and advanced with the pickets, did preſume he ſhould be relieved. The Adjutant-General ſaid, that if the corps was to march he undoubtedly would be relieved; but for the preſent i was not neceſſary, as this was only an order to be in readineſs, and his duty as Lieutenant-General of the day for the army naturally took place of any particular duty, or of that duty; that therefore it would be time enough to acquaint Lord *George* of it when an order came to march: However, I did acquaint Lord *George* of it, and told the Adjutant-General I had done ſo, and he ſaid, I had done very right.

Gen. *Cholmondeley*. I think you ſaid you was very near when Capt. *Winſchingrode* brought the orders; that you heard them, and he repeated them. Did not that order clearly and ſtrongly imply, that the cavalry was to march and form a third line behind the infantry?

A. I apprehend the order itſelf expreſſes it.

Q. Now

Q. Now a great deal has been ſaid, and queſtions ked what was done in conſequence of the order. ou ſay an order was delivered, as you underſtood it, r the cavalry to form a line, as a third line, and vance. It does not ſay where they were to form, ly to ſupport the infantry, and form a third line. o you underſtand by this order, that they were to rm in one line before they marched off?

A. I anſwered that; certainly.

Preſi. Pray inform the Court whether you was the rſt part of the day with the cavalry?

A. I was, as it was my duty to attend upon Lord *eorge Sackville.*

Q. You have ſaid, that you did not know the po- tion of the infantry, or the diſtance they were from e cavalry.

A. I ſaid I did not know the exact poſition.

Q. Do you know the diſtance the infantry was from e cavalry, when the infantry was formed?

A. I do not.

Q. At what part of the day did you come up to e infantry?

L. *G. Sackville.* Sir, that goes beyond the line of amination in this part.

L. *Harrington.* Pleaſe to inform the Court if any art of the cavalry was put in motion between the me of Capt. *Winſchingrode*'s delivering the Prince's rder to Lord *George Sackville*, and the arrival of Capt. *igonier.*

A. Not that I know of.

L. *Albemarle.* As the Prince's order was delivered *French*, pleaſe to repeat the order Capt. *Winſching- ode* delivered in *French*, if you can recollect it?

A. I cannot take upon me to remember the very ords of the order, I have already given the ſenſe of as I underſtood it.

L. *Robert Bertie.* Was there room for the two lines f cavalry to be drawn up in one between the villages f *Halen* and *Hartum*, and the wood?

A. I am

A. I am not ſure whether there was or not; but rather think not: That they might form one line is, apprehend, certain; but I fancy it muſt be by paſſin through the wood. My idea of the ground is, tha there was ſcarce room between the villages and th wood to form two lines into one, ſo that conſequentl the wood would interſect the line: I cannot ſpea poſitively.

Q. Whether by advancing the two lines a litt forwarder there would then have been room to hav formed the two lines into one?

A. I believe by advancing them forwarder the would have got clearer of the wood; I ſay clearer becauſe I am not ſure whether they would have bee quite clear: It is merely opinion, and I am not quit maſter of the wood.

Q. But if they had advanced a good deal forwarder

A. That I can anſwer more poſitively, becauſe the were afterwards clear of the wood, and formed in on line: I apprehend they muſt have paſſed through par of the wood at any rate.

Q. If they had marched forwarder, could the have formed in one line without paſſing through th wood?

A. They muſt have marched conſiderably forwarde

Q. Could they have done it?

A. I think they could; becauſe if they had go conſiderably forwarder, my notion is, that they woul have been clear.

Q. They might have formed in one line?

A. Yes.

Q. Without going through the wood to the le at all?

A. I apprehend ſo.

Judge Adv. It not being practicable, in your opi nion, to form the cavalry into one line, where the were then drawn up, between the villages and th wood, and the cavalry not advancing into the plac where it would have been practicable, did or did no

explanation of the order, as underſtood by you, m abſolutely neceſſary?

A. As underſtood by me, I did not look upon the ood as a material objection to the cavalry's forming one line, as it ſeemed to me ſo open that they ight paſs through it to form in part, or as it ſhould judged neceſſary, on the other ſide of it.

Q. If forming in one line did not appear to you eceſſary, previous to their marching in obedience to at order; but their forming in one line at any time efore their coming to the rear of the infantry, ſo to ſupport them, appeared to you to ſatisfy the in- ention of that order: Do you know of any other npediment to carrying the order immediately into xecution?

A. I recollect no impediment to their moving for- ard, unleſs it was the *Saxe-Gotha* regiment, which as then, I think, in front.

Q. What was that regiment?

A. A regiment of infantry.

Q. The wood being open, as you have deſcribed, ould not the cavalry have gone through it to the left ithout waiting for that regiment being removed?

A. The ſecond line could to be ſure have doubled p, upon the left of the firſt, or paſſed through the ood, if neceſſary, before the firſt line moved for- ards, ſhould the *Saxe-Gotha* regiment have been an bſtacle to prevent it.

L. *Harrington.* How many battalions were there in he *Saxe-Gotha* regiment?

A. One battalion.

Judge Adv. Could not the firſt line alſo, by ſome movement, have advanced ſooner, by paſſing through part of the wood, than by waiting the removal of that egiment?

A. If the firſt line was to have moved to the left, I apprehend it would not have been neceſſary to re- move the *Saxe-Gotha* regiment at all; but it would have marched clear of them: But if it was to have

advanced by moving forward, I ſuppoſe the r
moval of the *Saxe-Gotha* regiment would then b
neceſſary.

L. *Albemarle.* Could not the *Saxe-Gotha* regime
have been put into a poſition in five minutes time,
that the cavalry might have paſſed upon the right
left of it without giving themſelves any farth
trouble?

A. Moſt undoubtedly.

Judge Adv. Was that regiment upon the receipt
this order put out of the way?

A. Not that I know of.

Gen. *Cholmondely.* Was that regiment ever to
that they obſtructed the march of the cavalry? o
were they deſired to move, that you know of?

A. I do not know they were.

Q. Did you ever go to reconnoitre the wood tha
was upon the left of the cavalry?

A. I was not ſent to reconnoitre, but I rod
through it.

Q. As the wood was an object, which in all pro
bability you was to march through, or in caſe of
retreat you muſt paſs through, Did you obſerve i
with attention?

A. I do not know what that means.

Q. This is a wood that the troops were to marc
to, and where probably, after a defeat, the army migh
have occaſion to retreat: When you went through
did you make obſervations to ſee whether it was ſuc
a wood as you could march through?

A. It appeared to me in general, (at leaſt that par
of it I rode through) to be an open wood, whic
troops might paſs through.

Q. The part that you went through, could ten me
of the cavalry in front have paſſed through?

A. By opening to the right and left as might b
neceſſary, I ſuppoſe they could.

Q. As it muſt be pretty ſtrongly marked out
the *Hanoverian* and *Britiſh* artillery having both paſſe
through,

through, Did you obſerve or ſee a road where artillery had marched through that wood in the morning?

A. I ſaw ſeveral tracks of carriages through it.

Q. When you ſaw theſe tracks, did you imagine that they were tracks where artillery had gone? Did it appear ſo?

A. They were tracks of carriages; but whether of artillery or other carriages I cannot determine.

Q. Did it appear to you that the wood was thicker in thoſe parts where the carriages had paſſed than any other?

A. I did not particularly obſerve that.

Q. Did it appear an open wood through thoſe parts?

A. The wood in general appeared open.

Witneſs. There is one part of my evidence which ſhould be altered; As to advancing, I ſaw no impediment to it, only the *Saxe-Gotha* regiment.

Capt. Hugo *ſworn.*

Col. Irwin *ſworn as interpreter.*

Judge Advocate explains the nature of an oath, and the laws of *England* in regard to teſtimony.

Witneſs ſays (*by Col.* Irwin,) Without any ſort of explanation I will ſpeak as a man of honour ſhould do.

L. *G. Sackville.* As I have before eſtabliſhed (I hope to the ſatisfaction of the Court) every thing relating to the quitting the camp, and marching to the ground, I ſhall not trouble Capt. *Hugo* with any thing on that head; but begin with the poſition of the cavalry.

Capt. *Hugo* was my Aid de Camp, and is now Aid de Camp to Lord *Granby.*

Q. Do you remember Capt. *Winſchingrode*'s coming to me, where the cavalry had been formed and halted by Capt. *Malhorti?*

A. Yes, I remember his coming.

Q. In what manner did he come?

A. He

A. He came galloping up in a hurry. Hurry is too ſtrong an expreſſion, in haſte.

Q. What orders did he bring?

A. He brought an order for the cavalry to form in one line, to make a third line, to ſuſtain the infantry, and advance.

Q. What did you underſtand by advancing?

A. We were to march forwards.

Q. Did I make him repeat his order, and for what reaſon?

A. Lord *George* made him repeat his order, not ſeeming to comprehend his order, as he ſpoke it in *French.*

Q. Did he ſpeak in any other language than in *French?*

A. I do not remember to have heard him ſpeak in any other language.

Q. Did he explain his orders to you in *German?*

A. No, he did not.

Q. Did he explain them in any other manner than by repeating his orders?

A. I do not remember that he explained his orders in any other manner than by repeating them.

Q. Did you at this time ſee the artillery marching on the left flank of the cavalry?

A. Yes, I ſaw the artillery marching on our left flank.

Q. Did you ſee any, and what regiment forming in our front at that time towards the left.

A. Yes, I ſaw the regiment of *Saxe-Gotha* forming in our front towards our left.

Q. What did I order you to do upon Captain *Winſchingrode*'s leaving me?

A. My Lord *George* ordered me to go with orders to the officer commanding that regiment, to clear our front, in order that we might advance with the cavalry.

Q. Do you remember, ſoon after you returned to me from giving the order to the *Saxe-Gotha* regiment, that Capt. *Legonier* arrived?

A. Yes,

A. Yes, I do remember it.

Q. Did you ſee or hear me ſpeak to Col. *Sloper*, or Col. *Sloper* ſpeak to me?

A. I cannot ſay I did ſee or hear him.

Q. Did you obſerve any thing in my looks, manner, or behaviour that day, different from what they were at any other time?

A. I did not in any manner perceive it.

Judge Adv. What did you underſtand to have been the meaning of that order? Do you apprehend that the ſpirit and intention of the order would have been beſt ſatisfied by forming in one line, before they marched, and marching directly forward, or by advancing in any manner, they could have conveniently and expeditiouſly advanced, and afterwards forming in one line, ſo as to ſuſtain the infantry effectually?

A. It is matter of opinion, and difficult to decide, and as I do not ſet ſuch a value upon my own opinion, as to think it of conſequence, I ſhould be glad to be diſpenſed from giving any.

Q. Have you ever given an opinion upon it?

A. No, I never gave an opinion upon that head.

Q. You ſay that Lord *George Sackville* deſired Capt. *Winſchingrode* to repeat the orders, as not underſtanding the *French:* That he did not repeat them in any other language: Did Lord *George Sackville* deſire him, as not having received any further information by his anſwer, but only repeating the orders firſt delivered, either to give an explanation at large, or that he would endeavour to expreſs himſelf in *Engliſh?*

A. I did not hear him.

Q. Might not Lord *George* both have aſked and received an explanation, and you not hear it?

L. G. *Sackville.* Sir, This queſtion ſuppoſes a thing that is not proved. Theſe are queſtions which ſuppoſe me to want an explanation. I bid him

him repeat the order: Does that ſhew that I wante an explanation?

Judge Adv. It aroſe from a queſtion of Lor *George*'s, Whether he made him repeat the order I do not find it is implied that Lord *George* wante an explanation, and therefore will only aſk,

Might not Capt. *Winſchingrode* have ſpoke to Lor *George Sackville* in *Engliſh*, and you not have heard it?

A. It might have been, but probably not.

Q. Was you ſent by Lord *George Sackville*, im mediately upon Capt. *Winſchingrode*'s quitting hi Lordſhip, to the *Saxe-Gotha* regiment, or any wher elſe.

A. It appeared to me that my Lord ſpok firſt to another Aid de Camp, and immediately af terwards gave me an order to carry to the *Saxe-Goth* regiment.

Q. Where was my Lord *George* when theſe order were brought to him?

A. He was at the head or front of the *Britiſ* cavalry; but I cannot tell at the head of whic regiment.

Q. What other perſons were preſent, or withi hearing of Lord *George*, when he delivered th orders?

A. I do not recollect; I did not obſerve who elſe but I think Col. *Hotham* was there.

Q. How long had the cavalry been there formed when theſe orders were brought?

A. In truth I cannot determine exactly; but believe about half an hour.

Q. How long do you apprehend Capt. *Winſching rode* might be with my Lord?

A. I cannot exactly ſay; but I believe a few mi nutes.

Q. You ſay, ſoon after your going to the *Saxe-Goth* regiment, Capt. *Legonier* arrived: What do you mea by ſoon? How ſoon did Capt. *Legonier* arrive?

A. I cannot exactly fix it, but by what I did, it appears to me it muſt have been ſeven or eight minutes all between the one going and the other coming.

Q. Do you mean ſeven or eight minutes after your turning from the *Saxe Gotha* regiment, or after your ing?

A. I mean ſeven or eight minutes in all, from the ing of *Winſchingrode* to the coming of *Legonier*.

Q. Was that regiment immediately removed?

A. As ſoon as I quitted it, it was put in motion.

Q. Was the cavalry thereupon put in motion?

A. I cannot ſay certainly, as I was not with them. was not returned.

Q. At your return from the *Saxe-Gotha* regiment, d you find the cavalry in motion, either in forming a e or advancing, in conſequence of the orders brought Captain *Winſchingrode*.

A. They were in movement to form a line. Upon collection I do not remember whether the firſt line as in movement or not, but the ſecond line was in ovement to form a line.

Q. In anſwer to a queſtion before, you made uſe of e words—ſoon after you returned. Did you find aptain *Legonier* there upon your return?

A. As ſoon as I returned from the *Saxe-Gotha* Regient to my Lord, I ſaw Captain *Legonier* arrive immeiately after.

Q. The artillery which you ſaw advancing or marchg, was it upon the left of the whole of the cavalry, marching through any of the intervals?

A. I cannot ſay exactly, but I think they paſſed upon e flank.

Q. Did you at any time obſerve to Lord *George ckville*, what you ſaw of the artillery?

A. No.

Q. Do you know of Lord *George Sackville* ſending y perſon to the wood to reconnoitre it, and ſee where e cavalry could paſs?

A. I know that Lord *George Sackville* ſent Captain

Lloyd ſomewhere towards the left, but I did not the know for what reaſon.

Q. Did you hear the whole of the converſation tha paſſed between Lord *George Sackville* and Captain *Wi chingrode.* Can you ſay with certainty whether you di or not?

A. I cannot ſay with certainty?

Then the Court adjourned till to-morrow morn ing ten o'clock, and Captain *Hugo* was or dered to attend.

HORSE-GUARDS, *March* 19, 1760

At a COURT-MARTIAL there held by Adjournment.

Tenth Day's Sitting, on the Tryal of L^d. *George Sackville*

PRESENT,

Sir *Charles Howard* Preſident, and the reſt of th Members, as Yeſterday, except General *Stuart.*

Lord *George Sackville* was ordered into Court.

PRESIDENT. Lord *George Sackville*, Genera *Stuart* is ill, and cannot attend the Court, but w ſhall proceed.

Evidence for Lord *George Sackville* continued.

Captain *Hugo* called again.

Preſident. Lord *George Sackville*, the Court hav ordered me to inform you in regard to the manner o your proceeding. They deſire, that when you hav finiſhed your evidence, in reſpect to the orders brough by

y Capt. *Winſchingrode* that you will proceed at large ith regard to your examination, and that the Court ill extend their queſtions to any part of the time, nd will not confine themſelves to an hour or a ſpot.

Lord *George Sackville*. I ſhall obey the directions of he court.

Capt. *Hugo*'s evidence read again.

Judge Advocate. You ſay that at your return from he *Saxe-Gotha* regiment you found the cavalry then n motion; do you know whether the motion of the avalry of the ſecond line mentioned by you was in conequence of any order from Lord *George Sackville*.

A. I do not know.

Q. You ſpoke of this movement in order to form a ine: Was the line then formed: Did you then proeed to form a line, or where was it firſt formed that ay by the cavalry?

A. I did not ſee them formed into one line till they ame upon the heath, when I returned from Duke *Ferdinand*.

Q. When did you go to the Prince, and upon what ccaſion?

A. I went with Lord *George Sackville*.

Lord *Albemarle*. Was the ground the cavalry was drawn up upon ſufficiently open to form in one line?

A. It appeared to me not.

Lord *Robert Bertie*. If the two lines of cavalry had moved a little forwarder, could not they then have formed in one line?

A. I believe they might if they had advanced a little forward, and taken ſome ground to the right, ſo as to get clear of the wood.

Q. Pleaſe to deſcribe the ground the cavalry were upon; what was in the right, the left, and the center; and then deſcribe the wood; and how practicable it was for the cavalry to march thro'.

A. I cannot give a perfect deſcription of it; but however I will endeavour to give the beſt I can.

Upon our left we had a long wood; upon our right we had a little wood, which was open in the front towards

the right: as to the ground it appeared to me to b a little riſing in front: the wood upon our left wa open.

Q. What ſort of ground was it towards the front?

A. I do not remember, becauſe I was not there I know that we had a windmill in our front.

Q. Was it practicable for the cavalry to march thro the wood upon the left; and with what front could they have paſſed that wood, having no enemy t moleſt them, from forming properly on the other ſide?

A. The wood was practicable for the cavalry t paſs, and I know by experience that they could pa in quarter-ranks; however, I believe they muſt ope every now and then to the right and left, to avoid th trees?

Lord *Harrington.* Was the wood only practicabl in one place for the cavalry to paſs through?

A. I cannot ſay that I made any obſervation upo that ſubject.

Preſident. Pleaſe to inform the Court, whether yo know of any reaſon or impediment to prevent the orde Captain *Winſchingrode* brought from being put into exe cution?

A. I know of none but that of the regiment of *Saxe Gotha* that was upon our front.

Lord *Albemarle.* Do you think that the regimen of *Saxe-Gotha* was the leaſt impediment whatſoever?

A. Very little, becauſe they might have been re moved.

General *Cholmondely.* You was preſent when th order was brought by Capt. *Winſchingrode*; do you no think that the ſtrong meaning of this order was to ſup port the infantry?

A. The order itſelf expreſſes it.

Q. Do you not think that the ſupporting the in fantry was a thing of very great conſequence?

A. As I did not know the poſition of the infantry I cannot judge how far it was of conſequence.

Q. Do you not know that it was clearly Prince *Ferdinand*'s orders ſo to do?

A. Withou

A. Without doubt; and upon that account I am erſuaded it was of conſequence?

Q. I ſhould be glad to know, whether in your opi-ion, if the order could not be complied with by one anner of march, it can be any ſort of excuſe for not mplying with the order at all?

A. I do not look upon myſelf as a competent judge f that.

Q. I ſhould be glad to know whether you really and eriouſly believe, that Prince *Ferdinand* meant, that he cavalry was to move from their firſt formation in ne line, till they came to the rear of the infantry; or whether it muſt not be clear to you, and every one, hat the order meant that they were to march to the upport of the infantry, and to form themſelves in ne line, as the occaſion or ground would permit.

A. The order itſelf expreſſes all that ſufficiently; if ou have recourſe to that, it makes it unneceſſary to ave any other anſwer.

Queſtion repeated.
Same Anſwer.

Q. Suppoſe you was to command three troops, and hey were halted, and you ſhould receive orders to orm them in one line, and march to the ſupport of any poſt that was attacked, the ground not permitting you to march in one line, would not the diſcipline of he troops you ſerve in require, that you ſhould get up n the beſt manner you could, to ſupport the troops that were attacked?

A. Certainly yes.

Lord *Robert Manners.* You ſaid that you was near to Lord *George Sackville* when the order was delivered; that the order was delivered in *French*, which Lord *George Sackville* did not ſeem to underſtand: Was you applied to by Lord *George Sackville* to explain the order?

A. No; I was not.

Lord *George Sackville.* In regard to the laſt Queſ-tion, I beg leave to aſk, Did I not ſeem to underſtand

Captain

Captain *Winſchingrode*'s order as ſoon as I made him r
peat it; and did I not act in conſequence of it?

A. It appeared to me that Lord *George* underſtood i
and gave me orders, which perſuaded me that his i
tention was to put it in execution.

Q. Was the *Saxe-Gotha* regiment clear of the fro
of the cavalry when Captain *Legonier* arrived?

A. The regiment of *Saxe-Gotha* was put in motio
the moment I quitted them; but I cannot ſay that
was entirely out of our front when Captain *Legoni*
arrived.

Q. Can you ſay it was not quite out of our front?

A. No, I cannot ſay, becauſe I did not give attentio
to it.

Q. How far was the cavalry from the regiment o
Saxe-Gotha when you carried the orders to them; ho
many paces or yards from them?

A. I cannot ſay exactly, but it appeared to me abou
200 paces.

Q. Did you come directly back to me after the tim
of your giving the order?

A. I did come directly,

Q. Did you ſtay near me all the time that Capt. *Win*
chingrode was with me.

A. I cannot be poſitive, but I believe I did.

Capt. Biſſett *called in again.*

Lord *George Sackville.* Pleaſe to acquaint the court i
you remember Capt. *Winſchingrode*'s coming to me.

A. I do.

Q. Do you remember what order he brought.

A. I do: the order was in *French*, and the ſenſe o
it I take to be, that the cavalry ſhould be formed int
one line, making a third to ſuſtain the infantry, an
advance.

Q. Did I make Capt. *Winſchingrode* repeat his order
A. Twice, I think.

Q. Did he explain them in any other manner tha
by repeating them?

A. Not that I ſaw or heard.

Q. How

Q. How long did he ſtay with me?

A. Not longer than the time of repeating the order.

Q. What did I do upon that: Did I give any orders your knowledge?

A. I ſaw Lord *George Sackville* ſend off ſome Aids de mp, but I do not know what orders he gave them.

Q. Do you remember the *Saxe-Gotha* regiment formed the front of the cavalry?

A. I remember that they were formed in the front, wards the left.

Q. Do you remember the artillery paſſing through r lines at the time Capt. *Winſchingrode* was with me?

A. I remember the artillery paſſing towards the left the line of cavalry: I am not certain of the exact me, but I believe it might be at this time.

Q. Did you hear me ſpeak to Colonel *Sloper*, or hear m ſpeak to me?

A. I do not remember either the one or the other.

Q. Do you remember Captain *Legonier*'s coming to e?

A. I do.

Q. How long was he after Captain *Winſchingrode*.

A. As I made no memorandum of any thing I ſaw heard during that whole day, nor looked at my watch, cannot take upon me from my memory juſtly to aſcer-in the diſtance of time between theſe two orders; but I do not remember any thing material I did, or that appened during the intermediate ſpace, I ſhould ſup-oſe the time might be about ſix or ſeven minutes.

Q. How long, according to the beſt of your opinion r knowledge, had the cavalry been formed in two lines efore Captain *Winſchingrode* arrived?

A. I ſhould ſuppoſe from twenty minutes to three uarters of an hour.

Judge Advocate. What do you take to have been he principal object of theſe orders, either in reſpect to ſuſtaining the infantry, or the manner of marching?

A. I cannot take upon me to ſay; the order is to orm a third line, and then to ſupport the infantry: the rders are clear and explicit.

Q. Did

Q. Did you take it to be eſſential or material for th execution of this order, at what time or place the c valry was to be formed in one line; ſo as they we formed in time to become a third line, for the ſuppo of the infantry?

A. I did not know the ſituation of the infantry.

Queſtion repeated, and read by the witneſs.

A. I do not underſtand it.

Q. So as the infantry was effectually ſupported b the cavalry, do you take it to be material at what tim they were formed in one line?

A. The orders are explicit to form a third line an advance in that order: the ground was too narrow t form the cavalry in one line in that ground between th villages and the wood, without the wood interſectin it.

Q. Was it material when they were formed, if it wa in time to ſupport the infantry?

A. It is matter of opinion, and it would be preſump tion in me to judge of the orders: the orders we to form a third line, and advance in that order: th ground was too narrow to form all into one line, th wood muſt have interſected the line.

Q. From the order, as you underſtood it, did yo think it an eſſential part of it that they ſhould be forth with formed into one line?

A. The order is explicit that they ſhould be fir formed into one line.

Q. Suppoſe you was to have executed the order, i what manner would you have executed it?

A. I beg to be excuſed anſwering that.

Q. What did you underſtand by the word, advanc in this order?

A. That the cavalry was to advance in one line.

Q. Suppoſing that to have been impracticable or in convenient, could the general intent of it have bee anſwered by advancing in any other way?

A. I do not pretend to criticiſe upon or explain th order: it is clear, I think, it would have been to mor

advantage

vantage if they had paſſed in two lines by the wind-ll, and then formed into one, as the ground was en-ged there, and would admit of it.

Q. Suppoſing the cavalry could have arrived ſooner the rear of the infantry, ſo as to make a third line in der to ſupport them, by going to the left through the ood; do you apprehend the intention of the order ould have been equally obeyed that way, as by ad-ancing directly forward?

A. I cannot take upon me to ſay: I am no judge of hat.

Q. You mentioned in your former evidence, that aptain *Roy* and you took a ride together: at what me was that?

A. It was after the cavalry was formed and halted?

Q. You mentioned your having advanced till you w the infantry.

A. We went to the left to the fir incloſure.

Q. Did you go through the wood at that time?

A. I did.

Q. Do you know what part of the wood the cavalry ent through when they marched?

A. No.

Q. What kind of a wood did it appear to be in that art you paſſed?

A. A thin ſcattered wood, an open wood.

Q. Do you apprehend that cavalry could have con-eniently marched through the part that you went hrough, and how many in front?

A. They might, but not ſo as to keep their order xactly.

Q. How many in front?

A. I ſuppoſe a ſquadron or more; where I rode hrough it was open and wide: at the top it appeared hicker: a ſquadron, I ſuppoſe, where I went, might ave marched, but not ſo as to keep their order.

Q. Did you make a report to Lord *George Sackville* f what you had ſeen of the wood?

A. I do not remember I did.

Q. You ſay that Captain *Winſchingrode* did not ſta longer with Lord *George Sackville*, than twice repeatin his order?

A. He did not to the beſt of my recollection.

Q. Might not other converſation paſs between Cap tain *Winſchingrode* and Lord *George Sackville*, and yo hear it?

A. It is poſſible, but not very probable, as I wa very near.

Q. How long time ſhould you imagine Captai *Winſchingrode* remained with Lord *George?*

A. The time he was in repeating theſe orders twice I can't ſay how long.

Q. You mentioned that they were repeated twice Were they repeated both times in *French?*

A. Twice in *French.*

Q. Where was Lord *George Sackville* juſt at tha time?

A. He was in the front of the cavalry, towards th right; I can't ſay at the head of which ſquadron.

Q. Who elſe was preſent, or within hearing, at th time the orders were delivered?

A. I think Colonel *Hotham* was there: I don't recol lect who elſe, but there were ſome of the Aids d Camps.

Q. Can you ſay with certainty, whether there wer any others beſides Aids de Camp?

A. I cannot ſay with certainty; I believe Mr. *Ro* was with me, we were together.

Q. Did you remain with Lord *George Sackville* fro that time, till the arrival of Captain *Legonier*. Did yo ſtay with him?

A. No; I believe I was riding about, I cannot b certain.

Q. Can you ſay, whether Lord *George Sackvill* himſelf remained there all the time or not?

A. I cannot be poſitive.

Q. Do you apprehend that the *Saxe-Gotha* regiment that was in the front, would have been any material ob ſtruction to the execution of theſe orders?

A. A

A. As the *Saxe-Gotha* regiment might have been very on removed, I do not imagine that could be any great pediment.

Q. Suppoſe it had been thought adviſeable to paſs rough the wood to the left, where the cavalry went; ould that regiment have been any impediment at all?

A. If the cavalry had marched ſo far to the left, as to clear of the firr incloſure, that would have been otherwiſe in their front, there would have been no impediment at all.

Q. If they had marched to the left, to be clear of that ood; would there have been any impediment from hat regiment or otherwiſe?

A. No impediment at all.

Q. Do you know what ſteps were taken by Lord *George Sackville*, after Captain *Winſchingrode* went away?

A. No.

Q. You did not take the liberty of obſerving any hing to Lord *George Sackville*, of what you had ſeen or heard of the enemy?

A. I did not the whole day.

General *Cholmondely*. You ſaid, that you ſaw the enemy on the other ſide of the wood, and that you returned again to the cavalry; I cannot help thinking, whenever a wood ſeparates a body of troops from an enemy, and an officer finds it, that it is his indiſpenſible duty to acquaint his ſuperior officer. At the time you took the ride out, after you had diſcovered the enemy, and returned again to the two lines of cavalry; why did you not immediately make a report to Lord *George Sackville*, of having ſeen the enemy?

A. Becauſe it was very well known the enemy was then in our front; as they were cannonading a battery that was attached to our pickets; and as I went away without having leave from Lord *George Sackville*, and only to ſatisfy my own curioſity; at the ſame time, I thought the enemy that was ſo much to the left of the front of the cavalry, not an object material to be reported to Lord *George Sackville*, as theſe in our front was what we were to pay attention to.

Lord *George Sackville.* Sir, I did not make any ob-
jection to the putting of this queſtion, propoſed b
General *Cholmonde'y*; being deſirous that every thin
ſhould come out: But, at the ſame time, I think it m
duty, as I call the witneſſes to the bar, to prevent
much as I can any thing coming out of their mouth
that may tend to accuſe themſelves. Here is a gentle-
man, a ſubaltern in the army, doing his duty as Aſſi-
tant Quarter-Maſter-General: a queſtion is put t
him, which is prefaced as a matter of blame; it is ſay-
ing, that as he did not report, he did not do his duty
I beg there may be nothing put to them tending t
blame themſelves. Whether he did or did not report,
a fact: but for him firſt to have his duty explained, t
ſhew how material the reporting was, and then to b
aſked, did you not, and why did you not report, tha
may tend to accuſe himſelf? What I ſay may be wrong
I do not do it to prevent the Court's coming at an
thing they want; but I have felt too much what it
to ſuffer in character myſelf, not to be tender of othe
people's.

General *Cholmondely.* Unable as I am to anſwer th
noble Lord in ſpeaking, I cannot pretend to flowers o
rhetorick or ornaments of ſpeech; the homeſpu
overflowings of an honeſt heart, I will always expreſs.—
But ſince the noble Lord has been pleaſed to animad
vert upon me, I have a right, in my turn, to ani
madvert likewiſe upon him. I do ſay, that I have obſerve
things, upon this proceeding, that I never obſerved i
any proceeding before. The noble Lord has begun b
ſyllables, ſyllables have begot words; and at laſt,
ſuppoſe, they will grow up into ſentences, that hav
been added to the witneſſes depoſitions, as in the caſe o
Captain *Hugo* juſt now. Captain *Hugo*, ſaid, *hors d
vue*: my Lord did not like the expreſſion; and whe
it was put down, it was *hors de front.* I did not tak
notice of that at the time. As to Mr. *Biſſet*, I reall
think he lies under great obligations to me: his an
ſwers, as to the diſtance, that he ſaw that he went fron
th

cavalry to the enemies infantry with Captain *Roy* re very extraordinary. I thought that it would look y ſtrange if this gentleman had gone abroad to his y the next day, and Captain *Roy* had been called and contradicted him. I tried to ſet him right; I put a eſtion to him that was very clear; my queſtions always very clear; he ſtill did not comprehend me: I ex- ined to him farther; I illuſtrated it by ſhewing him s ſnuff-box and that ſtandiſh; and then aſked him at was the diſtance: he then underſtood me, and all s ſet right. Now I do ſay that Mr. *Biſſet* is therefore liged to me; and now, Sir, I ſuppoſe I may go on.

Lord *George Sackville.* Sir *Charles Howard*, tho' I a priſoner, theſe are things that I ought not to hear ſilence: I never have done any thing unbecoming e character of a man of honour: my ſtanding here oves how highly I value that character: here, and in very other place, I ſhall always be ready to aſſert and aintain it. It had not only been unbecoming in me, ut I ſhould have been highly criminal, had I attempted put words into the mouths of witneſſes. I appeal to ou, Sir, to the Judge Advocate, and to all preſent, at Captain *Hugo* uſed the words that are put down. He ſaid at firſt, that he did not know whether the *Saxe-otha* regiment was *hors de vue*; in the end of this ſen- nce he himſelf explained this expreſſion by *hors de ront.* The firſt expreſſion would have been ridiculous, or no man can ſuppoſe that a regiment could have gone way out of ſight in two or three minutes; the ſecond as plainly his thought, and I did not imagine there ould be any harm in repeating it to the Judge Advocate, s the proper expreſſion to be taken down. Sir, I ſhall only ay, that my whole conduct, during the trial, has very ittle deſerved ſuch reflections; no man can accuſe me f the leaſt uncandid proceeding. I ſhould be ſorry to ave the leaſt difference with the court; I was very far rom meaning to animadvert upon the General; I ex- pres'd myſelf, I am certain, with all poſſible moderation; meant to do ſo; I ſhould have been abſurd to have done otherwiſe;

otherwiſe; I ſtand here a priſoner unfortunately, a
that gentleman ſits there my judge.

Sir *Charles Howard.* My Lord *George*, I am ve
ſorry your Lordſhip ſhould have thrown any reflectio
on any member of the Court.

Lord *George Sackville.* Sir, I proteſt I don't kno
what I have ſaid that could give the leaſt cauſe for tha
what is it that I have ſaid ſo improper?

Sir *Charles Howard.* You ſaid unfortunately th
gentleman ſat there as your judge.

Lord *George Sackville.* I ſaid, Sir, that it was u
fortunate for me to be a priſoner; I did not ſay that
was unfortunate for me that any gentleman here ſhou
be my judge.

Lord *Robert Bertie.* I only underſtood my Lor
that it was unfortunate for him to be judged.

General *Cholmondely.* I proteſt that I underſtood m
Lord in the ſame ſenſe, before he explained himſel
and I am very ſorry if any expreſſion of mine ſhould ha
given his Lordſhip any umbrage; and as for Mr. *B*
ſet, I hope he is ſatisfied that I could not mean hi
any harm by my queſtion; I have too much tende
neſs for witneſſes to do ſuch a thing: I proteſt, upo
my honour, I would not aſk a queſtion that could hu
him in the leaſt. I hope, Sir, you are ſatisfied; and
hope, altho' the noble Lord and I have both been
little warm, that he thinks no more of it. I am pe
ſuaded he muſt think I have too much honour, if
was not upon my oath, to do him any injury.

Judge Advocate. I did not put other queſtions
might have done, becauſe the anſwers might tend
accuſe himſelf, which the Court will take care to pr
vent.

General *Cholmondely.* Do you know whether t
wood that was upon the left of the cavalry, or t
ground beyond it, was ever reconnoitred by my Lor
order?

A. I do not know that it was.

Lord *Albemarle.* In the courſe of that day was t
cavalry ever halted by the march of the train?

A. N

A. Not that I know of.

Lord *George Sackville.* I desire you will inform the urt, whether the artillery's passing thro' the Inter-ls of the cavalry, or upon their left flank, would not ve obstructed the march of the cavalry, had they en ordered to move to the left, whilst the train was ssing?

A. Undoubtedly.

Judge Advocate. Did you then observe to Lord *George ackville* at the time your seeing the artillery passing?

A. I did not observe to Lord *George Sackville* that I w them, but they must have been seen by every ody.

Q. At what time was this?

A. I believe it was about the time of Capt. *Winsching-ode's* coming.

Lord *Albemarle.* How soon did the line of cavalry dvance after the arrival of Capt. *Winschingrode*?

A. The first line of cavalry did not advance till Captain *Legonier* came with his order.

Q. Did they advance then?

A. They did.

Capt. Loyd, *of* Lampton's *regiment sworn.*

Lord *George Sackville.* Did you see Capt. *Winsching-ode* come up to me?

A I did not see him come up, I came up to Lord *George* whilst Capt. *Winschingrode* was with him.

Lord *George Sackvile.* If it is not improper, I would sk him what the order was reported to be at that ime?

Judge Advocate. It may tend to confirm the other vidence.

To the witness.

Q. What did the people about me at that time re-port the order to be that Capt. *Winschingrode* brought me?

A. I understood that he brought an order for the cavalry to form into one line, as a third, to support the infantry, and advance.

Q. Do

Q. Do you recollect how long it was from the ti of your coming up, till Captain *Winſchingrode* we away?

A. A very ſhort time.

Q. How long?

A. Not above a couple of minutes.

Q. Did you at that time ſee the artillery paſſin thro' the intervals of the cavalry upon the left, or upo the left flank of the line.

A. I did ſee ſome artillery paſſing upon the le flank.

Q. Did you ſee the *Saxe-Gotha* regiment, or an regiment in our front?

A. There was a regiment in front.

Q. Did I give any, and what order concerning it?

A. Immediately upon Captain *Winſchingrode*'s going away, my Lord *George* ſaid that regiment would be i our way, and Captain *Hugo* was ſent with orders to re move it to the right.

Q. What orders did I then give you?

A. Lord *George* ordered me to go and reconnoitr the ſituation of the infantry, and report to him.

Q. Did you hear me hold any, and what converſa tion, with Col. *Sloper?*

A. I cannot ſay I did.

Q. Did you go to the infantry as ordered?

A. No; at the diſtance of about 300 yards I me Capt. *Legonier* full ſpeed, and concluding he ha brought ſome freſh orders, I turned about, and wen back again to Lord *George Sackville*, who at that time was ſomewhere to the right of the *Inniſkilling* regi ment.

Q. Did you then hear Capt. *Legonier* give me his or ders? (I do not aſk you what they were?)

A. I did.

Judge Advocate. Did you think it to be eſſential t the orders brought by Capt. *Winſchingrode*, as you under ſtood them, at what time or place the cavalry ſhould b formed in one line, ſo as they were formed in time t

become

ecome a third line, for the ſupport of the infan-
y?

A. I ſuppoſe the ſooner they were formed in one ne the better.

Q. Do you apprehend their being formed in one ne before advancing, would be at all material?

A. I ſhould imagine it material, and by what I ould hear the meaning of the order.

Q. Did you apprehend it to have been ſo material s to have delayed the execution of the order on that ccount, ſuppoſing there was any preſent obſtruction to heir being ſo formed.

A. The order was to be executed as quick as poſſi-ble; forming a line was doing it.

Q. Was that ſo material as to delay the march till hat could be done, if there was any obſtruction to it?

A. I am not a judge of that.

Q. Do you remember hearing any converſation be-tween Lord *George Sackville* and Capt. *Winſchingrode?*

A. No.

Q. Who was preſent, or about Lord *George Sackville* when he was receiving the order, and when you came up to him?

A. There were ſeveral about him; I do not recollect who, or whether they might have heard the orders or not.

Q. Who?

A. Col. *Hotham*, Capt. *Broome*, I think Capt. *Hugo*: There might be ſeveral others I do not recollect at this diſtance of time; it is impoſſible.

Q. Where was Lord *George Sackville* at the time you ſaw him with Capt. *Winſchingrode?*

A. In the front of *Bland*'s.

Q. Do you recollect whether Col. *Sloper* was one that you ſaw with him?

A. I do not recollect whether he was or not.

Q. Do you know whether any part of the cavalry was put in motion before Capt. *Legonier* arrived?

A. I cannot ſay; I was ſent away immediately.

Q. Did you ſee any of them in motion upon your return with Capt. *Legonier*.

A. I cannot ſay I obſerved them in the front line, I could not ſee further.

Lord *Robert Manners*. At the time you ſaw the artillery paſſing the right wing of cavalry, was you near enough to diſtinguiſh whether it was the front, the center, or the rear of the train?

A. It was part of the line of artillery which had been paſſing for ſome time.

Q. Do you know whether Lord *George Sackville* ever ſent any order to halt the artillery?

A. I never heard of any.

Q. When you returned to Lord *George Sackville* with Capt. *Legonier*, did you ſee any alteration in the poſition of the cavalry, from that it was in when you went from Lord *George Sackville* to reconnoitre the infantry?

A. I did not to my knowledge.

Q. Can you recollect whether Capt. *Hugo* was with Lord *George Sackville* when you returned?

A. I do not recollect to have ſeen him.

Q. How far beyond the *Saxe-Gotha* regiment did you go upon the heath?

A. I did not go beyond the *Saxe-Gotha* regiment, I went towards the wood upon the left.

Q. How ſoon was any part of the cavalry of the right wing in motion, after the arrival of Capt. *Winſchingrode*?

A. I cannot ſay, I went away immediately, as I have already declared,

Lord *Robert Bertie*. You ſay the artillery had been paſſing for ſome time; how long was it before the whole artillery had paſſed?

A. I cannot pretend to ſay.

General *Cholmondely*. If the order brought by Capt. *Winſchingrode* had immediately been put in execution, by marching the cavalry in ſquadron, and then forming in one line when they came within ſight of the infantry, and

en marching forward in one line to their ſupport, ould not that have been the quickeſt way of executing e orders brought by Capt. *Winſchingrode*.

A. They muſt have marched in ſquadrons, for they ould not march in line, for the wood that was upon e left, between them and the infantry.

Preſident. Lord *George Sackville*, have you many ore witneſſes to the ſame point, beſides Captain *Broome?*

Lord *George Sackville*. No. I propoſe beginning to-morrow, with examining the witneſſes at large.

Captain Broome *ſworn.*

Q. Did you ſee Captain *Winſchingrode* come to me?

A. I did.

Q. What orders did he bring?

A. To form the cavalry into a third line, to ſupport he infantry and to advance.

Q. Did I deſire him to repeat his orders?

A. Yes.

Q. In what language did he ſpeak?

A. In *French*.

Q. Did you hear him explain his orders in any other manner than by repeating them?

A. No, I did not.

Q. What order did I give you in conſequence of his being with me?

A. To go to the front, to bring an account of what was doing there.

Q. Do you remember my ſpeaking to Colonel *Sloper*, or his ſpeaking to me, whilſt you was with me?

A. I do not.

Q. Do you remember Captain *Williams* coming to me, about advancing of the artillery?

A. I do.

Q. What orders did I give him?

A. To return to Captain *Phillips*, to tell him to bring the artillery to the front, as ſoon as poſſible, as they would ſoon find ſomething to do there.

Q. Did you see the artillery passing thro' the interval of the cavalry, or upon their flank, at the time Captain *Winschingrode* came to me?

A. I saw the artillery pass through the intervals of cavalry, much about that time: I cannot positively say it was just then.

Q. Did you observe any thing that day, in my manner, looks or behaviour, different from what they were upon any other occasion?

A. No, but on the contrary: the orders I heard given were very distinct, and to all appearance, without the least sign of fear.

Then the Court adjourned till to-morrow morning ten o'clock, and Captain *Broome* was ordered to attend.

HORSE-

ORSE-GUARDS, *March* 20, 1760.

At a COURT-MARTIAL there held by Adjournment.

eventh Day's Sitting, on the Tryal of Ld *George Sackville.*

PRESENT,

r *Charles Howard* Preſident, and the other Members, as Yeſterday.

Lord *George Sackville* ordered into Court.

Evidence for Lord George Sackville *continued.*

Captain Broome *called in again.*

PRESIDENT. Lord *George Sackville*, have you any further queſtions to aſk Captain *Broome?*

Lord *George Sackville.* No.

Judge Advocate. About what time did Captain *Winſchingrode* come to Lord *George Sackville*, as near as ou can recollect?

A. I really cannot aſcertain the time.

Q. How long did he ſtay with Lord *George Sack-ille*, as you judge?

A. I was ſent away before Captain *Winſchingrode* left ord *George.*

Q. Where were Lord *George* and Captain *Winſchingrode* t that Time?

A. At the front of *Bland*'s.

Q. Whilſt you was with Captain *Winſchingrode* and ord *George*, did you hear Captain *Winſchingrode* repeat is orders in *Engliſh?*

A. No.

Q. You

Q. You went away, and could not hear all the d
courſe between them. Where was you ſent?

A. To the front.

Q. What is the Court to underſtand you was ſe
to do?

A. To ſee if I could diſcover any Part of the enem
there.

Q. Pleaſe to relate to the Court what you did fo
and what report you made to Lord *George Sackville.*

A. I advanced about 300 yards in the front of *Bland'*
when I came there, I could diſcover nothing of t
enemy in the front: I then went about 200 yards
the left; and from thence I diſcovered a great numb
of the enemy farther to the left, at near a mile diſtance
but the cannonading on both ſides was ſo great, with
large quantity of ſmoke occaſioned by it, that it pre
vented me ſeeing any infantry of the enemy that migh
have been nearer; for thoſe of the enemy I ſaw I too
to be cavalry.

I then returned to the ground where I left our ow
cavalry to make my report; and found that th
whole right wing had marched to the left, ſo as t
have its right flank on the other ſide of the wood.
went directly thither, and made my report of what
had ſeen.

Q. You do not know any thing of Captain *Legonier'*
arrival.

A. Not the leaſt.

Q. What do you take to be the proper meaning o
the order. Do you think the order neceſſarily implie
that the cavalry was to be formed in one line, before i
advanced; or that it's advancing in the moſt expeditiou
manner, and afterwards upon a convenient ſpot form
ing in one line, and from thence advancing to the rea
of the infantry, to ſupport them, would have equall
anſwered the intent and meaning of the order?

A. I believe the literal meaning of the order was, tha
we ſhould firſt form in one line. As to the other par
of the queſtion, it is matter of opinion.

Judg

Judge Advocate. The Court is not at all poſſeſſed of the words of the order, the whole is a tranſlation. The only way that we can come at it is, to know how it was underſtood.

Q. Suppoſe any obſtruction to the forming that line, and carrying the order immediately into execution in that manner, would that have been a ſufficient reaſon for not carrying it into execution, in ſuch manner as circumſtances would beſt admit?

A. It is a queſtion of judgment I do not know how to anſwer. The order was not ſent to me, I was not the General, nor can I judge whether it was right to advance from the order they were then in or not.

Q. It appears that Lord *George Sackville* ſent an order by Captain *Williams* to Captain *Philips*, for the *Britiſh* artillery to advance; do you know at what time this order was given?

A. The orders were given ſometime before Captain *Winſchingrode* came, but I cannot juſtly aſcertain the time.

Q. Do you remember the time of day?

A. I cannot aſcertain the time

Q. Do you apprehend that the artillery which was paſſing would have halted (if it had been neceſſary, and they had orders from Lord *George Sackville* for that purpoſe) till the cavalry had paſſed through.

A. Without doubt.

Q. Do you know, or did you ever hear, that Lord *George Sackville* did ſend an order for that purpoſe.

A. I did not.

Lord *Albemarle.* Do you recollect the diſtance of time between the arrival of Captain *Winſchingrode*, and your returning to Lord *George Sackville* from reconnoitering?

A. I cannot aſcertain it.

Q. How long do you think it was?

A. It was a very great while, twenty or twenty-five minutes.

Q. At the time of your return, was the cavalry in one line or two?

A. It

A. It was almoſt compleated in one, not quite co pleat, part of the regiments to the left were th forming. It was almoſt formed, the ſecond line h almoſt finiſhed, they were not quite up.

I can acquaint the Court with the reaſon why I w ſo long away.

Judge Advocate. The queſtion was not aſked wi that view.

General *Chomondely.* Do you think that if the caval had immediately moved as ſoon as Lord *George Sackv* received the orders from Captain *Winſchingrode*, that th would, or would not, have been able to have form in the rear of our infantry, within the time you men tioned?

A. I really believe not, for we were at a ve great diſtance; beſides, we did not know well whe the infantry was. It proved afterwards that the i fantry was a great way from us.

Q. What do you take to be the diſtance from th place where the *Engliſh* cavalry was firſt formed, to th place where you firſt ſaw the enemy?

A. I anſwered that queſtion before. I judged it be near a mile.

Q. I will now aſk you in relation to Captain *Winſchin rode*'s orders, as you belong to the artillery. In ca you was ordered to march with two pieces of canno abreaſt, to diſlodge a battery or annoy an enem in caſe you could not march them the whole way front, I aſk you whether or no you would not thin yourſelf obliged to get them up to the place ordere in the beſt manner you could.

A. To be ſure, I ſhould think myſelf obliged to d it.

[Lord *George Sackville* to the Preſident.]

Sir, you ſaid yeſterday that the Court would choo I ſhould go through the whole evidence with ever witneſs, without confining it to any period; I ſha now take it up where the evidence left off, and the Court goes back with any part of it, I ſhall I hop be at liberty to do the like.

[Captai

[Captain *Smith* called in again.]

Lord *George Sackville*. He was not with me when aptain *Winſchingrode* came with the order, he will, in e courſe of the evidence ſay ſomething to it.

The Evidence this Witneſs gave on Saturday was read.

Lord *George Sackville*. Did you ſee Captain *Winſching-de* come to me?

A. No.

Q. How came you not to ſee him, where was you at at time?

A. I was loading my piſtols upon the right of *Bland*'s.

Q. When you returned, what was I doing then?

A. Lord *George Sackville* was clearing his front of a giment of infantry. I heard him tell Mr. *Hugo* he would ave that regiment got away directly, for that it was e *Saxe-Gotha* regiment, and not the ſecond line. I uſe e words that I heard.

Q. Were there any other troops at any diſtance in ont, beſides the *Saxe-Gotha* regiment?

A. There was a line of infantry moving cloſe by the Windmill.

Q. What happened after this?

A. I was ſtanding at the right ſquadron of *Bland*'s, hen I ſaw Mr. *Legonier* come: I ſuppoſed he had de-vered an order to Lord *George*; I could not hear it. My Lord *George* turned about, drew his ſword, and gave e word to the line: I heard the word, march; the hole was in motion directly.—Colonel *Sloper* ſaid to me it is difficult to aſcertain the exact words) Are we go-ng to charge? or ſomething of that kind—I replied, it ooks ſo—Colonel *Sloper* ſaid, I have not thrown away y picket poles; do, for God's ſake, tell Lord *George* e line is not ready, and beg him to ſtop one Minute; went directly to Lord *George*, I aſked him if we were oing to charge? He ſaid he believed ſo, very ſoon. I hen ſaid, pray, my Lord, ſtop a minute, juſt till the e make themſelves ready. Lord *George* ſaid, What do

you mean, Sir, who ſays the line is not ready? I an-
ſwered, my Lord, I come from Colonel *Sloper*, wh
begs you will ſtop half a minute, juſt till he throw
away his picket poles. My Lord anſwered, tell Colon
Sloper to throw them away as we move up, for I wi
not halt the line now it is in motion.

Q. Did you carry that order to Colonel *Sloper*, or wa
it obeyed?

A. As I went along the line I gave the word to pre-
pare for the charge, and to throw away every thing tha
encumbered them. When I went back from my Lor
George to Colonel *Sloper*, I gave the word as I went a
long: when I came to Colonel *Sloper*, I told him h
muſt throw away his picket poles as he advanced, fo
Lord *George* ſaid he would not halt the line: upo
which Colonel *Sloper* gave the word, halt, to his ſquadron
I endeavoured to explain myſelf again, and he replie
to me, I ſhall do it quicker, never fear; I ſhall not ſto
a moment. As he was the right hand ſquadron, I di
not think it of any great conſequence, ſo turned abou
to go back to Lord *George*.

Q. To the beſt of your remembrance, where was I a
the time when I received Captain *Legonier*'s orders?

A. Upon the right of the *Inniſkilling*'s. I think, a
well as I can recollect, when my Lord gave the word
march, he directed his voice to the *Inniſkilling* regiment

Q. Are you certain I was not with the right ſqua-
dron of *Bland*'s?

A. I have juſt ſaid I carried the order between m
Lord and that ſquadron, therefore he could not b
there.

Q. Did you obſerve any artillery paſſing upon th
left flank, or through the intervals of the line, whil
you was ſpeaking to Colonel *Sloper*, at the time Captai
Legonier came up to me.

A. I recollect I was looking at the artillery movin
upon our left in a violent hurry, at that time.

Q. Was the artillery moving in a hurry?

A. Yes, I ſaw two carriages run foul of one another

Q. Wha

Q. What happened when you returned to me from Colonel *Sloper?*

A. As I returned, I perceived Colonel *Fitzroy* juſt come, and ſpeaking to Lord *George:* I ſaw Lord *George* put back his hand, and heard him ſay, ceaſe the drums, and give the word, halt; halt the line: by this time I got near enough to hear Lord *George* ſay, Why, Sir, Mr. *Legonier* ſays the whole; don't be in a hurry *Fitzroy*. Colonel *Fitzroy* replied, my Lord, we bring the ſame order. It is extremely difficult to ſay what followed; there were ſeveral ſpeaking together, I could not hear them; I felt diſtreſſed myſelf; and, therefore, if what I ſay ſhould appear to be unconnected, it is not my fault—I recollect ſeeing Captain *Legonier* ſpeak at that inſtant, but I cannot upon my oath ſay what the words were.—My Lord *George* appeared to me to be angry with Mr. *Fitzroy*; I heard him ſay to them, I wiſh you would agree what your orders are,. I am ready to obey either. Capt. *Fitzroy* appeared to me to be the moſt preſſing in his manner; and I ſaw that he prevailed ſo much upon Lord *George* by his Eagerneſs, that he aſked Colonel *Fitzroy* which way he would have him go, and Colonel *Fitzroy* pointed to the rear, towards our left: I cannot ſay what the words were; ſomething about the way runs in my memory; he pointed to the wood cloſe upon our left. Colonel *Fitzroy* ſaid he was no guide, but, ſays he, I will endeavour to ſhew you the way I came: then I recollect there were four or five words more paſſed about the way. The next thing that I heard was Lord *George*, with a loud voice, ſay, Where is the Prince? Is he far off? Captain *Fitzroy* anſwered, my Lord, I left him juſt on the other ſide of the wood, coming this way: my Lord *George* ſaid, how far? Colonel *Fitzroy* ſaid, about one or two brigades.

Q. Did Captain *Legonier* own that Colonel *Fitzroy* was in the right?

A. No: he never changed his orders: they did not agree that I heard.

Q. Was there not a diſpute among yourſelves about theſe orders that very day?

A. I never diſputed with any body: I thought myſelf there was a miſtake: I never ſaid any thing; but I did hear there was a diſpute: Mr. *Legonier* told me he had a diſpute with an officer; he came to me, and complained of the officer. I carried Captain *Legonier* directly up to the officer that he diſputed with, and ſcolded him in Mr. *Legonier*'s hearing: I aſked him how he could ſay who was right or who was wrong? I deſired them not to be out of humour with one another about a trifle (I thought it a trifle then) I deſired they would not mention it again; ſince no bad conſequence happened from it, what ſignified mentioning it? ſo Mr. *Legonier* was ſatisfied: the other thought he might be right: ſo they agreed.

Judge Advocate. Name the officer?

A. Lieutenant *Sutherland* of the *Fuſileers.* It happened before the canonading was over; it was juſt before it ceaſed; before the laſt firing.

Lord *George Sackville.* Did you ſee me then go up towards the Prince?

A. Yes, I went part of the way with him.

Q. Did Col. *Fitzroy* perſiſt in his being in the right as he rid along?

A. Yes, he did very ſtrongly; he repeated his orders to me; and perſiſted in them very ſtrongly; ſo ſtrongly that he convinced me ſo much I could not help telling Lord *George* what he ſaid to me: Lord *George*'s anſwer to me was, Mr. *Legonier* was to the full as ſtrong; but the ground appearing to open on the other ſide of the trees, that ſeemed to me to weigh with his Lordſhip, and he ſent me back for the Britiſh cavalry.

Q. Did you go back immediately?

A. Directly.

Q. What ſpot did I ſend you back from?

A. Juſt thro' the trees, not quite out upon the heath.

Lord

Lord *George Sackville*. I only mention it to aſcertain e diſtance.

Q. Pleaſe to relate to the Court what paſſed afterards?

A. Juſt as I returned back, I ſaw the ſecond line of valry juſt coming into the open part of the trees; I as ſurprized at ſeeing them come there, knowing that y order muſt be the lateſt: I went up to my Lord *ranby*, and aſked him where he was coming, and what ought him there: He told me he was ordered by Mr. *Winſchingrode* to advance to form one line. I knowg nothing of theſe orders, told him that I was ſure ey were changed then; for it was for the *Britiſh* on-, and that I was then going to fetch Gen. *Moſtyn*, nd the *Britiſh* of the firſt line; ſo begged he would o on with his *Britiſh*, and that I would fetch General *Moſtyn* as faſt as poſſible. I went on immediately to eneral *Moſtyn*, he was ſtanding about the center of he *Britiſh* troops, and that no time might be loſt, as I aſſed the Blues, I told the officers to wheel to the left y quarter-ranks. General *Moſtyn* ſaw me coming, nd advanced to me. I told him I was come to fetch hem; that the Blues were ready wheeled, and if he ould put them in motion, I would conduct him.

Q. Did you tell him my orders were to move with all oſſible expedition?

A. I did.

Judge Advocate. Did you receive an order from Lord *George Sackville* to march with all expedition?

A. I did; the order was to bring them round as faſt s they could, as ſoon as poſſible.

I told him the orders, and I added, that Lord *Granby* as gone on: Gen. *Moſtyn* was then walking his orſe, but upon my ſaying that my Lord *George* deired he would come on as faſt as poſſible he could, he ut his houſe into a trot.

Lord *George Sackville*. Did you deſire him ſtill to go aſter?

A. Yes,

A. Yes, I did: I aſked him if he thought proper to go a little faſter; his anſwer to me was, that he would anſwer for it; that then the rear was in a hurry.

Q. What pace did you go back from me to General *Moſtyn?*

A. I went as faſt as I could make my horſe go.

Q. Did you conduct him thro' the wood?

A. Yes.

Q. Pleaſe to deſcribe the road in which you marched, the track, and what ſort of ground it was?

A. We left the *Hanoverians* upon the right; I went in their rear; it was ſtubble ground: Juſt as we came near the wood there was a little bit of quickſet hedge; we left it upon our left; then we came among ſome foreſt trees, and were obliged to incline a little to our left, on account of ſome Hollies, and black thorns; and a couple of carriages, artillery waggons; the men divided to let them thro' theſe trees, without any other interruption; we ſoon got upon heathy ground.

Q. What did you obſerve when you firſt came upon the heath?

A. Some ſquadrons of *Hanoverians*, with their right flank very near to this opening, which was juſt as we came out of the wood, where I led our cavalry thro'.

Q. Did you ſee me there?

A. I met my Lord *George* directly, returning from the Prince.

Q. What did I ſay to you?

A. Lord *George* told me we were to form upon the heath: I cannot tell whether he ſaid in one or two lines; I know he ſaid ſomething about lines, and ordered me to go and tell theſe *Hanoverian* ſquadrons to advance and at the ſame time incline to the left: I did ſo, upon which they wheeled to the left; I tryed to explain myſelf better; Lord *George* ſaw this, and came up to me

e directly, and told me I had miſtaken his orders. told him no, I believed inclining was what they did ot practiſe: upon which his Lordſhip ſet about it him- lf: He ſet about to explain it himſelf, to get it done he would have it, and there I left him.

Q. Where did you go then, and what did you e?

A. I went to the front of Lord *Granby*'s ſquadron, ſee what was going on there; and I ſaw a line of fantry moving pretty faſt, at a good diſtance, in his ront.

Q. Did you ſee the two regiments, *Bland's* and *Iniſkil-ing* behind the 2d line, which was then the front line, ecauſe they could not find room?

A. Yes, I remember ſomebody aſked me what they ere doing there, and I told them that the *Hanoverians* ad formed ſo cloſe to the wood, that there was no ground or the *Inniſkilling*'s and *Bland*'s to form upon their ight, and that I had left Lord *George* endeavouring to ake the *Hanoverian* cavalry advance, and incline to he left, that they might have ground upon their right or theſe two regiments?

Judge Advocate. Lord *George Sackville*, I dare ſay it ill make no difference in the import of your queſtion, r of the anſwer; but I muſt deſire when you aſk a queſtion, that you will not aſſign the reaſon: It was ſo n the laſt queſtion.

Lord *George Sackville.* Pleaſe to let me know when ou perceive it, I did not know it.

Q. When did you return to me?

A. Immediately, almoſt as ſoon as I turned my eyes bout the ground.

Q. What report did you make of the ground in ront?

A. I told Lord *George Sackville* what I have already aid, and added, that the heath opened to the right, nd that there was a *Hanoverian* battery upon the

ſkirts

ſkirts of the wood, and I remember that I aſked him if he did not think when the two regiments, the *Iniſkilling* and *Bland*'s, were formed in a line that their flanks would be extended too near the Battery?

Q. Did I ſay any thing upon that, did I give any orders about it?

A. Lord *George* told me to acquaint that battery that as he went over the heath he ſhould incline to the right, and therefore deſired me to tell them to advance with his line; I did ſo.

Q. Where did you go then?

A. Whilſt I was delivering them the orders, I ſaw in the front upon my right ſome hats go up in the air at a good diſtance; I immediately puſhed forwards to theſe people, and as I was going, I paſſed ſuch a quantity of wounded men and horſes, that I turned back ſeeing the cavalry come that way, to acquaint his Lordſhip of it. At the ſame time I heard him give orders to take care how they went over the wounded; then I left him again.

Q. Where did you meet me when you came back, and what was I doing?

A. I met Lord *George* in the front of ſome ſquadrons a good many in full trot, going very briſkly, ſo much ſo, that they were obliged to hold up to go over the wounded. It is difficult to deſcribe it in words; they were in a trot: It was too faſt for them to go over the wounded; they were obliged to go ſlower.

Q. Where did you go then?

A. I paſſed a line of infantry that was then going over the wounded; I then puſhed on to ſee what I could ſee more, till I diſcovered among the large incloſures, at ſome diſtance forward, the *Britiſh* infantry: I went up to them directly, I found them not quite formed; the regiments were mixed a little: There were two battalions of *Hanoverian* guards in a very good line upon their left; I aſked what was to be done

next

ext, where the enemy was. Some of them pointed a cloud of duſt and ſmoke, and ſhewed me the wn of *Minden*, and ſaid, there they are.

Q. What did you obſerve after, and when did you turn to me?

A. From the ground the *Britiſh* infantry then ſtood pon, down to the moraſs upon their right, there as an eaſy ſlope, ſtubble fields, large fields; and I w a line of infantry moving forward over it; and thought I ſaw Prince *Ferdinand* with them. I turned back directly to Lord *George*, and told im it was not over yet; for that I ſaw that in- antry moving to the right, as if they were going n to *Minden*. They were going forwards over hat open ground, as I thought, towards *Minden*.

Q. What did I bid you do upon that?

A. Lord *George* bid me acquaint the Prince, that the avalry was halted in the rear of the infantry, where ey could be of no ſervice; and deſired to know if he ad any commands for them.

Q. Did you go accordingly, and deliver that Meſ- ge?

A. Yes; and the Prince bid me bring them down to im.

Q. Did you do ſo?

A. I did. I conducted them till I met ſome of the rinces family; then I left them?

Q. Where did you go after you had conducted the avalry to the place where you left them?

A. I aſked Lord *Granby* for his reflecting teleſcope. He told me his groom had it. I ſoon found the groom. went down to the edge of the moraſs, fixed it upon a ank; from whence I could ſee the *French* camp, and to my left to *Minden*.

Q. What did you obſerve of the right wing of avalry?

A. As well as I can recollect, the front line was in he rear of the pickets. That body of the infantry,

that I ſaw and ſpoke of before, which was the pickets and the rear line the ſecond line fronting the moraſs That was the poſition I ſaw them in when I looked a them.

Q. What became of the cavalry then? Did they tak any other poſition?

A. All I ſaw was, the ſecond line, which fronte this moraſs, wheeled back, to cover the front line, an then they diſmounted: that is all I recollect abou them.

Judge Advocate. It was aſked where he went after wards, and he mentioned getting a glaſs: it ſhould b aſked what he obſerved.

Q. Did you obſerve any thing there, that you think material for the information of the Court?

A. I do not know what is material. I will relate it:

The firſt thing I obſerved, was loaded horſes and baggage, carts moving, and ſome artillery among the incloſures, directly oppoſite me. I immediately acquainted the officer that commanded the *Hanoverian* heavy artillery with what I had ſeen. He run ſome guns down directly to the edge of the moraſs; and then aſked me to tell him if I could ſee whether the enemy was forming a battery or not? I told him that there ſeemed to me to be ſome artillery drawn up on the riſing ground, on which a windmill ſtood: I pointed to it; he directed his guns that way: I obſerved the ſhot cauſed great confuſion. I don't know what bad effect it had amongſt them. The duſt increaſed very much; and the baggage tumbled about; and the artillery moved from the windmill. I then turned the glaſs to the left.

Q. Does this lead to any report made to Lord *George Sackville.*

A. No.

Lord *George Sackville.* It tends to ſhew the ſtate of the army.

Witneſs

Witneſs. I then turned the glaſs to the left along their mp, and ſaw ſome troops moving into their ground. could not diſcover much under *Minden*; the duſt was ery great. But as the ſun ſhone upon the arms, I ſaw e arms croſs one another. I ſaw ſome cavalry there ixed with the infantry.

Then the Court adjourned till to-morrow morning ten o'clock, and Captain *Smith* was ordered to attend.

HORSE-GUARDS, *March* 21, 1760

At a COURT-MARTIAL there held by Adjournment.

Twelfth Day's Sitting, on the Tryal of Ld *George Sackville*.

PRESENT,

Sir *Charles Howard* Preſident, and the reſt of the Members, as Yeſterday.

Lord *George Sackville* ordered into Court.

Evidence for Lord George Sackville *continued.*

Captain Smith *called in again.*

JUDGE Advocate. Lord *George Sackville*, have you finiſhed your examination of Captain *Smith?*

Lord *George Sackville.* I have.

Judge Advocate. As Captain *Smith*'s evidence is very long, I am afraid I muſt trouble him with a great many queſtions.

Q. Did you obſerve the line of infantry, which you ſaw moving juſt by the windmill, to Lord *George Sackville*; or did Lord *George Sackville* obſerve it to you?

A. I do not recollect either the one or the other.

Q. Where was Lord *George Sackville*, when Captain *Winſchingrode* was with him?

A. I do not recollect that I ſaw Captain *Winſchingrode* the whole day.

Q. You mentioned your having loaded your piſtols at the right of *Bland*'s; was it at that time, as you afterwards

rwards understood, that Captain *Winschingrode* had been ith Lord *George Sackville?*

A. I did not know of Captain *Winschingrode*'s having en there, or of his having brought any orders, till y Lord *Granby* told me he had been with him, as I as going for General *Mostyn.*

Question repeated.

A. Yes.

Q. Where was Captain *Legonier* during the time you ent backwards and forwards betwen Lord *George Sack-ille* and Colonel *Sloper?*

A. I did not observe where he went to.

Q. Was he with Lord *George* during that Time?

A. Lord *George* galloped so fast, and I was talking o Colonel *Fitzroy*, therefore I could observe nothing lse.

Q. But whilst you was thus talking to Colonel *loper*, you say you was sent to him by Lord *George ackville?*

A. I think he remained with my Lord *George* all that ime; when I came back to Lord *George* I found him here.

Q. Did he, as you apprehend, then hear what assed between Lord *George* and you, relative to the nessage from Colonel *Sloper*, and the march of the ca-alry?

A. I recollect Mr. *Legonier* was speaking to Lord *eorge*, and I interrupted him: and, I think, I spoke oud enough for him to hear me; the drums were eating; he possibly might not.

Q. You mentioned in your evidence that Lord *Geo. ackville* said these words, what do you mean, Sir; who ays they are not ready? Did Lord *George* speak loud nough for Captain *Legonier* to hear?

A. Yes, I think he spoke loud enough: Captain *egonier* was upon his left hand, and I was upon his ight.

Q. What

Q. What other perſons, if any, were about Lo
George Sackville when Captain *Legonier* delivered h
order?

A. Captain *Lloyd* I am ſure of; but I cannot brin
any body elſe to my mind.

Q. Do you mean by that, that were other people b
whom you do not recollect, or that you do not recolle
there were any?

A. There muſt have been others, but I do not re
collect who.

Q. Do you apprehend that Captain *Lloyd*, and the
other perſons about Lord *George*, could have heard; o
that they did hear what you ſaid to Lord *George Sack*
ville, or what he ſaid in return?

A. They could have heard it, I cannot ſay whethe
they did.

Q. Did you ever ſerve in cavalry?

A. No.

Q. What was the diſtance from ſquadron to ſquadro
as formed on the firſt poſition on that day?

A. They were very unequal, therefore I cannot a
certain the diſtance.

Q. What was the greateſt extent in front of the ge
nerality of the *Britiſh* ſquadrons?

A. I do not know how many yards a ſquadron ca
ſtand upon; ſome of the ſquadrons were very weak,
and others were very ſtrong.

Q. What do you take to be the diſtance between the
right ſquadron of the *Inniſkilling* regiment, and the right
ſquadron of *Bland*'s.

A. I cannot aſcertain it:-I venture to gueſs it at 50
yards, or 60 yards at leaſt: it is difficult to aſcertain the
diſtance.

Q. Upon Captain *Legonier*'s arrival, in what voice did
Lord *George Sackville* give the word of command,
march; was it loud or not?

A. Loud enough for me to hear.

Q. What ſpace of time was there between Captain
Legonier's

gonier's and Colonel *Fitzroy*'s arrival with their orders Lord *George Sackville*.

A. A very little one.

Q. What do you mean by little?

A. I do not believe it could have exceeded two minutes.

Q. What has a regiment of dragoons to clear themves of for a charge?

A. I believe a dragoon carries ſeveral things for his e and comfort in camp, that he throws away at the inant of charging; they are of no uſe to him when he oes to fight.

Q. Cannot a regiment of dragoons throw away their icket poles in motion?

A. Certainly.

Q. Can a regiment of dragoons attack with their cket poles on, without any material diſadvantage?

A. Yes, they can do it.

Q. Without any material diſadvantage?

A. I think a piece of wood ſtuck in a man's bucket an inconvenience.

Q. If the cavalry had been ordered to march to the ft, would the *Saxe-Gotha* regiment have been an obſtacle, en without being moved?

A. No. They were in our front.

Q. Do you know of any obſtacle to prevent the march the cavalry, had Captain *Winſchingrode* delivered ders for them to march to the left; ſuppoſe at the time hen you was loading your piſtols?

A. I know that the artillery was moving through at that me upon our left, and for ſome time before and ſome me after; that is all the obſtacle I think.

Q. You looked upon that as an obſtruction?

A. Certainly.

Q. Did you know where the infantry was when Lord *eorge* ordered the cavalry to march?

A. I know the whole was upon our left and upon their arch, the calvalry had been there ſo little awhile, that ey could not have formed, I think not.

Q. You

Q. You mean that time of marching, when Lord *Geor* gave the order to march, that you heard?

A. Yes, I am trying to repeat what I thought. T cavalry kept a head of all the infantry, and when formed, we formed in trot.

Q. Have you any reaſon to give?

A. I have juſt now ſaid, that the cavalry, when the formed, trotted to form, which muſt bring them much quicker than infantry could come.

Q. How long do you apprehend they had been ther from their firſt forming, to the time of the order f marching by Captain *Legonier?*

A. It is exceeding difficult to aſcertain the time o ſuch occaſions, I meaſure it by what I did myſelf; I load ed my piſtols as quick as I could, and Captain *Legoni* came in two minutes after I returned from having loade them.

Q. You underſtand that from the time of their bein firſt formed?

A. Yes.

Q. You ſay there were orders given to march, the were then to march in front?

A. Yes.

Q. Did any of the enemy's ſhot, come near the *Briti* cavalry?

A. Yes.

Q. Did you ever ſay ſince the battle that Lord *Geor Sackville* was apprehenſive of the ſhot, and wiſhed to b removed?

A. I have no ſort of objection to anſwering that que tion, but it may bring on many more of the ſame kind I ſhall tell all the converſation I've had about it.

Judge Advocate. It is neceſſary to aſk it, as it affects h evidence: It is a queſtion I'm unwilling to aſk: If thought there was any thing improper in it, I woul retract it.

Lord *George Sackville* to the *Judge Advocate.* Do yo mean by apprehenſive, that I was afraid of the ſhot.

Judge Advocate. He will explain that.

Witneſ

Witneſs. If I anſwer the queſtion at all, I muſt ſay hat paſſed between my Lord *George* and me, which as the foundation of it.

[*Queſtion repeated.*]

A. Yes, I have very often, and my Lord *George* onveyed to me at the time that he did not like being alted there at all; I think I remember him making ſe of the words, being put in a hole there; I mean he firſt ground where we halted.

Judge Advocate. No body is more deſirous of haing this explained than I am.

Q. In what ſenſe did you uſe the words that Lord *George* was apprehenſive of the ſhot?

A. The line was brought forward upon my explaining the ground to be better; and as ſoon as my Lord aw the ſhot take place he remarked to me, the line as within ſhot; I think at the time he pointed forards and ſaid, I hope they will not keep us here ong.

Lord *George Sackville.* I ſhould be ſorry this ſhould go away in this manner, therefore beg leave to ſk a queſtion.

Q. What do you mean by the word apprehenſive, perſonal apprehenſion in regard to myſelf, or apprehenſive, that that was a bad poſition for the calry?

A. The latter undoubtedly.

Q. You ſay I pointed forwards; now I aſk you, whether, if our poſition had been forwarder, we muſt ot ſtill have been more within ſhot?

A. We ſhould not only have been nearer, but we hould have been within ſight of the enemy's batte-y, which we were not then; they were all chance hot.

Q. Had we gone forward about as far as the windmill, towards the battery where you mean, ſhould we ot then have been out of what I called the hole, nd have had ground to have acted upon.

A. Yes.

Lord *George Sackville.* I thank the court for th indulgence, in letting me aſk theſe queſtions at th time.

Q. In your former evidence you mentioned yo having advanced after Capt. *Malhorty* halted you how far did you advance from that place?

A. I never mentioned the number of yards; I ſa we moved forwards ſome yards.

Q. You ſay, that from the right of *Bland*'s yo ſaw artillery marching: how far did you ſuppoſe th artillery was from you, when you ſaw them from th right of *Bland*'s marching on the left of the cavalr of the right wing?

A. I cannot aſcertain the exact length of our front they were upon our left.

Q. What do you judge it to be?

A. I hope it is not material; I beg to be excuſe it is ſo difficult to judge of diſtances.

Q. How long was it after you obſerved this arti lery before you went with Lord *George* to the Prince

A. I ſaw the artillery the whole time.

Q. When you went with Lord *George* to the Prince

A. At that particular time I do not recollect: I re collect galloping very faſt; and as I had ſeen the a tillery but a minute before, I don't know how we g through them.

Q. You ſay you ſaw them the whole time; wh do you mean by the whole time?

A. I mean from the time of my going to load m piſtols to my coming back again. It was a very fe minutes from my going to load my piſtols to my g ing with Lord *George* to the Prince.

Q. You ſaid the artillery was moving at the tim and before and after, which you looked upon to b an obſtruction?

A. From the time of going to load my piſtols my coming back was one time; and then to th time of my going towards the Prince made th whole time.

Q. How long do you apprehend it muſt have been, that whole time that you ſaw the artillery?

A. From the time of my going to load my piſtols, to my going with Lord *George* part of the way to the Prince, I do not believe it could be ſo much as a quarter of an hour.

Q. What kind of ground was the artillery marching over?

A. Very good ground.

Q. If the artillery had been halted by Lord *George Sackville*'s order, in how long time do you think the cavalry might have paſſed through?

A. That muſt depend entirely upon the way they were led in front; I cannot aſcertain whether they were to walk or not.

Q. At a convenient pace?

A. That muſt depend upon the march; It is entering into a ſyſtem of cavalry.

Q. Upon a middling trot?

A. I will give them five minutes. There were two lines; they could not have gone on plump together. It is a very unpleaſant thing to me to anſwer ſuch queſtions about time.

Q. Do you know, or did you ever hear, that Lord *George Sackville* did ſend an order for their halting; for the artillery's halting; in order for the cavalry paſſing through them?

A. No.

Q. Did Lord *George Sackville* continue in the ſame ſpot where Captain *Legonier* came to him, when Colonel *Fitzroy* arrived, or was he moved?

A. He was at the head of the ſame ſquadron, meaning the *Inniſkilling*, but the line was in motion.

Q. You mentioned yeſterday an expreſſion of Colonel *Fitzroy*'s, We bring the ſame orders.

A. I heard thoſe very words.

Q. When you ſay you heard Captain *Fitzroy* ſay, We bring the ſame orders, are you ſure it was in theſe words, or might it not be qualified, by ſaying, they were the ſame in ſome reſpects?

A. I heard thoſe words that I mentioned yeſterday; but I heard many others I could not tell who they belonged to, and therefore would not ſwear to them.

Q. Did either Colonel *Fitzroy* or Captain *Legonier* pretend that the orders had been delivered by the Prince to one of them, in the hearing of the other?

A. I cannot abſolutely ſay they did. I conceived myſelf at that time, from what I heard backwards and forwards, that they meant to bring the ſame orders. At that particular time I ſpeak of, I conceived it to be ſo.

Q. You mentioned, that juſt at this time ſeveral people were ſpeaking together; recollect who thoſe were, or as many of them as you can recollect, that were about Lord *George* then, ſpeaking at one time?

A. Captain *Lloyd*, Lieutenant *Sutherland*, Captain *Hugo*, and I think Colonel *Hotham*. I cannot venture to name any more.

Q. Do you know whether Lord *George* aſked which came laſt from the Prince.

A. I cannot recollect that I heard him.

Q. Did it appear by any thing which then paſſed, that they both came from the Prince at the ſame time?

A. I underſtood ſo then.

Q. Did you form that opinion from their coming ſo near together, or from their bringing the ſame order in ſome reſpects, or from any thing ſaid by either of them?

A. I formed that opinion from their not coming together; as they did not come the ſame road. I heard ſomebody ſay at that time, one came round the wood, and the other acroſs it.

Q. Did you form your opinion of their coming away together, from their not coming to Lord *George* together?

A. That accounted for it to me; I do not know whether they did come away together or not; I confine myſelf to what I underſtood at that particular minute.

Q. You

Q. You ſaid in your evidence that Captain *Lego-*
r never changed his order, and that they never
d agree; did Captain *Legonier* perſiſt that his was
e order to be obeyed, after Colonel *Fitzroy*'s deli-
ering and inſiſting upon his?

A. I do not know any thing of his perſiſting:
apt. *Legonier* never changed his order, nor Col. *Fitz-*
y his. Colonel *Fitzroy* was more preſſing in his
anner, as I ſaid yeſterday.

Q. You mentioned a diſpute between Lieutenant
utherland and Captain *Legonier* about his orders:
hen Captain *Legonier* is repreſented as diſputing that
is orders were right, do you apprehend by that,
hat the ſaid Mr. *Fitzroy*'s were wrong, or that Cap-
ain *Legonier* only inſiſted that he delivered his right?

A. I confined it entirely to his own order.

Q. Whether did the diſpute with Lieutenant *Su-*
herland proceed from Captain *Legonier*'s inſiſting that
Colonel *Fitzroy* had been miſtaken; or did Captain
Legonier only inſiſt that he had delivered his order
rom the Prince?

A. Only in reſpect to Captain *Legonier*'s orders,
hat they were right.

Q. Do you know of any reaſon why Lord *George*
Sackville did not order the *Britiſh* cavalry to march
before he quitted them, inſtead of ſending for them juſt
s he had paſſed the wood, and before he had reached
he Prince?

A. I thought at that time, from the wood's ap-
pearing very thick in the front of our front line,
hat he did not think it was ſo open at that particular
place.

Q. Did his Lordſhip from the beginning incline to
believe Colonel *Fitzroy*'s order to be right in prefe-
rence to Captain *Legonier*'s?

A. I thought myſelf he would rather have gone
forward, in conſequenceof Captain *Legonier*'s order.

Q. Do you mean that he would rather have choſe
it, or that he thought the order meant he ſhould?

A. I

A. I cannot ſay what the order meant.

Q. How do you apprehend Lord *George* under ſtood the order at firſt?

A. I believe at that time he thought Captain *L gonier* right.

Q. Do you know of any particular circumſtance i going through the wood, which might have induce or occaſioned his Lordſhip to ſend for the *Britiſh* only

A. I cannot think of any other than becauſe M *Fitzroy* came the laſt of the two, except that whic I mentioned yeſterday, and the ground's appearing little open.

Judge Advocate. That could be no reaſon for hi ſending for one in preference to the other.

Q. What was the diſtance from the place where you turned back from Lord *George* to Gen. *Moſtyn?*

A. I think 500 yards was the moſt, upon recollection.

Q. What diſtance of time was it from Lord *George Sackville*'s going with Colonel *Fitzroy* towards the Prince, to the time of the cavalry's being put in motion by General *Moſtyn?*

A. Not three minutes; two or three minutes.

Q. What were thoſe ſquadrons of *Hanoverians* that you ſpoke of yeſterday on the further ſide of the wood?

A. The left of Lord *Granby*'s ſecond line.

Q. You mentioned at another time riding up to the front of Lord *Granby*'s diviſion; was the diviſion then halted, or in march?

A. They were walking.

Q. How far was the cavalry advanced upon the heath when you met Lord *George Sackville* in the front of a good many ſquadrons in full trot, at a very briſk rate.

A. I ſaid yeſterday it was among the thickeſt of the wood: I ſhould think a good three quarters of a mile from the wood, from the entrance upon the heath to that ſpot.

Lord

Lord *Albemarle.* Captain *Smith* has miſtaken a queſtion, I will aſk it again?

Q. What diſtance was it between the right ſquadron of the *Inniſkilling* regiment and the right of *Bland*'s, reckoning the ſquadrons and intervals?

A. I do not recollect *Bland*'s were in three ſquadrons, I think they were in two.

Q. Carrying your eye from the ſpot you ſtood on, how far was the diſtance?

A. I certainly muſt have gueſſed it a great deal too little, when I ſaid 50 or 60 yards.

Q. How far do you judge it to be?

A. It appears now to me to be at leaſt double; my anſwer is, I cannot aſcertain the diſtance.

General *Cholmondely.* I ſhall trouble Capt. Smith with ſome general queſtions.

Q. Were Prince *Ferdinand*'s orders, for forming a third line in the rear of the ſecond line of infantry, to ſupport them, ever carried into execution?

A. I do not know what orders are meant, I did not hear Capt. *Winſchingrode.*

Q. Were Prince *Ferdinand*'s orders, which you heard for forming a third line in the rear of the infantry, and for ſupporting them, ever carried into execution?

A. Yes, I underſtood, as the cavalry went over the heath, it was to do that; and I ſaid yeſterday, when I came back from having been with the *Britiſh* infantry, that I found the whole cavalry halted in the rear of the line of infantry.

Q. You ſay they were going to do that, which does not prove they did it; you mean at the time when you found the troops mixed, and the battle over: Was the battle over at that time?

A. They were halted in the rear of that line of infantry which they were to ſuſtain, which line of infantry never ſaw the *Britiſh* troops till the action was over.

Q. I aſk you whether that line of infantry, which you now take notice of, was not in the line that you deſcribed yeſterday as the Pickets?

A. Certainly not.

Evidence of yeſterday read.

Q. Before this you had marched over the field Battle; I deſire to know whether before the caval formed that line in the rear of the infantry, th had not marched over the field of battle; and if whether you imagine that was the line of infant Prince *Ferdinand* meant to be ſupported?

A. They marched over the field of battle; th halted in the rear of a line of infantry, which line infantry I ſaw in our front, moving over the heath we halted in the rear of it afterwards, and I th thought that was the line of infantry we were to ſu tain.

Q. Did you ſee any of our troops engaged wi the enemy after this?

A. No.

Q. Did the cavalry come to the ſupport of any bo of our troops that were engag'd,

A. I ſaw no troops engag'd that day.

Q. Do you think the early repeated orders Prince *Ferdinand* to ſupport the infantry were ful executed, by their forming themſelves in one line b hind this body of infantry?

A. That can be only matter of opinion of mine, am ready to anſwer any queſtion in the world to point of fact; I wiſh I was more able to deliver m ſelf, ſo as the court might be able to form any op nion they would wiſh to do; I hope I ſhall not required to give matters of opinion; I do not kno Prince *Ferdinand*'s intention.

General *Cholmondely*, I am ſorry to preſs matt of opinion upon you; but as it has been the practi of the court, and as queſtions of this kind have be aſked by the priſoner; and as you have gone ſo as to give your opinion, and the court have indulg you to amend your anſwers, I own I have ſeve matters of opinion to aſk, and I wiſh you would a ſwer the queſtion.

Preſident. A great many queſtions of opini have been aſked by the court and the priſoner.

Lor

L. G. *Sackville.* I did not begin to aſk matters of inion. When the Court aſked opinions, I was obliged to do it; but I ſhould be glad they would aſcertain w far they will go in aſking matters of opinion.

Judge Advoc. The Court have a right to call upon the itneſſes for matters of opinion, collected from circumnces, which appeared to them, upon the ſpot, not om opinions formed here. They have always a tenerneſs for a witneſs with reſpect to matter of opinion.

L. G. *Sack.* Theſe matters of opinion are always to be nfined to the matter of the charge.

Judge Advoc. Certainly.

Then all parties were ordered to withdraw, and ſoon after called in.

Capt. Smith *called in again.*

Judge Advocate reads what the Court directed him to read to Capt. Smith. *(ſubſtance:)* That they had conſidered the matter upon which a doubt had ariſen. That they are of opinion, the Court has a right to aſk of the witneſſes their opinion, as collected from circumſtances which appeared to them; but that it is in the breaſt of the Court, how far they will extend queſtions of opinion; and that Capt. *Smith*'s opinion upon the preſent queſtion was not inſiſted upon.

Lord *Albemarle.* How long was it after Col. *Fitzroy*'s arrival, that Lord *George Sackville* ſent you to fetch up the *Britiſh* cavalry only?

A. A very little while.

Q. Was not the ſecond line in motion, before Lord *George Sackville* left the cavalry to go to Prince *Ferdinand* for an explanation of his order?

A. Yes. I preſume it to be ſo, from having met them.

Q. At what diſtance from the firſt wood that you paſſed, was it that the cavalry firſt formed in a line?

A. A great way on upon the heath, before the firſt formed a complete line.

Q. At what diſtance was the ſecond line of infantry from them at that time?

A. They were near enough for me to try to find out of what nation the regiments were.

 Q. What

Q. What ſort of ground was it for cavalry to mar over?

A. Open heathy ground.

Q. Did you follow the ſecond line through the woo or did you paſs it at any other place with the briga of cavalry that you conducted?

A. The ſecond line of cavalry came into the op part of the wood, a little to the left of that part I l General *Moſtyn* through.

Q. Do you recollect where the column of artille was, when the two lines of cavalry were paſſing th wood?

A. I recollect ſeeing a ſhot take place upon one the carriages, which I took to be the rear of the a tillery.

Q. Where were they?

A. I took that to be the rear. We were going throug the wood when I ſaw the ſhot take place?

Q. Where was it?

A. Juſt as we were coming into the wood upon th left of our lines of cavalry, rather upon the left of th front line of cavalry.

Q. Then it was behind you?

A. A little behind us.

Preſid. Pleaſe to inform the Court about the line o infantry that the cavalry halted at, of what nation wa that infantry, and were they there to ſupport any bat tery, or what to do. I underſtand that the *Britiſh* in fantry were far advanced.

A. When I went up to the *Britiſh* infantry that day ſome officers aſked me where the army was; I an ſwered, I had juſt left a line of infantry, pointing to the rear. They ſaid, we never ſaw them, only two battalions of *Hanoverian* guards, the whole day. I re plied, How could you? you run on ſo faſt, they could not keep up with you.

Preſid. I want to know what the line of infantry was of what nation they were, whether there was any bat tery there to ſupport, or for what purpoſe they were there? You was near enough to ſee what they were.

A. They

A. They were *Hanoverian* battalions, I think. There was a line of infantry. I rid through them.

Q. Were they upon any command?

A. I think it was a line of the army moving on after those troops that were forward.

Q. How far were the *Britiſh* troops before this line of infantry?

A. A quarter of a mile. It was among the inclosures.

Q. Did you hear that they were halted there by any particular order, or for any purpoſe?

A. I did not know the reaſon of their halting. I did not know that they had any order. I gueſſed the reaſon. There was nothing to do.

Gen. *Cholm.* How long did you continue in the rear of this body of infantry?

A. Till I could go to the Prince and come back again to fetch the cavalry.

Q. How ſoon after this were they diſmounted?

A. Within the hour.

Q. What was the time from their coming there, to the time of your coming to order them away?

A. Till I could go to Prince *Ferdinand.*

Q. Can you recollect how long it was?

A. As near as I can recollect, I came back again under a quarter of an hour.

Q. Did the cavalry, the whole day, charge the enemy, or ſupport any body of infantry that was engaged?

A. They did not charge the enemy, but they ſupported the ſecond line, which I underſtood was the order.

Q. Did they ſupport any body of infantry that was engaged during the time they were in their rear?

A. They did nothing elſe but that I have ſpoke of.

Lord *Albemarle.* Did that ſecond line, which you have ſpoke of, engage the enemy any part of that day, whilſt the cavalry was near them?

A. No. That line never ſaw the engagement. That line did not engage the whole day.

L. G. *Sackville.* As the order was for the cavalry to form a third line to ſuſtain the infantry, does, or does

not that imply that they were to ſuſtain the ſecond li of infantry?

Judge Advoc. This is a queſtion within the rule. A circumſtances he ſaw, from which he could collect opinion, might be inquired into, but where the circu ſtances are ſuch, that the Court can as well judge, it not neceſſary to aſk the witneſs.

Queſtion repeated.

A. Yes, I underſtood it ſo; and I took that to the ſecond line at that time.

Q. You was aſked, how long the cavalry had be where they were firſt formed; you mentioned what y did in the time; do you mean the time between Ca *Malhorti*'s leaving us, and Capt. *Legonier*'s coming; do you mean from the time of their taking the poſiti they were in, when Capt. *Legonier* came?

A. When I ſpoke as to time, I meant it from the l poſition.

Q. At what time did you go to load your piſtols

A. I went from the laſt poſition, when we gave t cavalry their ground.

Q. You loaded your piſtols at the right of *Bland* what do you mean by the right?

A. Upon the right flank.

Lord *Robert Manners.* Sir, I am ill, and ſhould deſi that we might adjourn till *Monday.*

Then all perſons were ordered to withdraw, and t Court adjourned till Monday *next,* 10 *of the clo and Capt.* Smith *was ordered to attend.*

HORSE-GUARDS, *March* 24, 1760,

At a COURT-MARTIAL held by Adjournment.

9th Day's Sitting, on the Trial of Ld *George Sackville.*

PRESENT,

Sir *Charles Howard*, Preſident,

And the reſt of the Members of the Court as on *Friday* laſt.

Lord *George Sackville* ordered into Court.

Evidence of the Priſoner continued.

Judge Advocate.

IT is proper to inform the Court, that the Mutiny Act expires to-day; that the new act will be paſſed, and then the Court will be again formed and ſworn. I only mention this, on account of the ſhortneſs of the time for ſummoning the Court.

Captain Smith *called in again.*

The evidence given by this witneſs on *Friday* read.

Gen. *Cholm.* As to the diſtance between the right of *Inneſkilling* regiment and the right of *Bland's*, the whole anſwer is not put down.

Theſe words, "I will venture to gueſs it at 50 or 60 "yards," were added to the Judge Advocate's minutes.

Witneſs. As to the artillery being in motion, inſtead of the word *long*, I would have the words *ſome time.*

As to Lord *George* coming at the front of many ſquadrons in a full trot, inſtead of, *to* the wounded, I would ſay, *towards* the wounded.

As to the cavalry's being put in motion before Lord *George* went to the Prince, I ſaid, yes, but I did not know it, I would only judge it by ſeeing them in motion when I came back. I did not know it before I met them.

As

As to the distance between the wood and the pla where the cavalry first formed in line, I said, it was great way on upon the heath; I meant, it was a great w on before they completed the line.

As to the infantry we formed behind, instead of fa ing, near enough to discover what regiments they were I meant, "of what nation the regiments were."

And as to saying it was moving on to support the arm that was formed, I would say, I think it was so.

The notes were altered in the above particulars.

Lord *R. Manners.* Are you very well acquainted wit the ground on each side of the wood?

A. I will try to recollect it as well as I can.

Q. You said the first day, that the cavalry must hav marched nearer the windmill, before they could hav formed in one line; was Capt. *Foy*'s battery on the hill side, or the *Minden* side of the wood; I mean the ba tery that was advanced with the pickets?

A. I do not know; I never saw that battery.

Q. Do you know if the five or six guns upon the ex tremity of the *French* line were silenced by that bat tery?

A. No; I know nothing of the position of any batter at that time.

Q. I now carry you back to the spot on which th cavalry was drawn up, when they marched to the left t go through the wood. I think you said, that the two lines did go forward, but marched through the wood i two different columns; and that after you left Lor *George* to go to Gen. *Mostyn*, you met Lord *Granby* Was all the second line through the wood, when you met Lord *Granby?*

A. I met my Lord *Granby* coming into the wood; desired him to go on, and I went for Gen. *Mostyn.*

Q. The second line that you saw going through the wood, were they going in quarter ranks, or how were they forming; in what front did the second line march through the wood?

A. They were so broken, and so divided, I cannot charge my memory.

Q.

Q. I desire you for one moment to forget the infantry, forget the obstructions and the battle of *Minden*, and n tell the Court, as you are thoroughly acquainted h the ground on both sides the wood, whether, if the alry had been to be formed in one line, that would ve been sooner done by advancing to the windmill, or going through the wood to the left?

A. I am no cavalry officer.

Q. It is the distance I want to come at?

A. I think by moving forwards by the windmill.

Q. I desire you will inform the Court, if you know w it happened, that the second line was always adnced upon the heath before the front line; as the send line had a great deal of ground to get to their left, d likewise ground to recover between the rear and front e?

A. They got upon the heath first; and the first line t upon their flank as soon as they were formed; meang the first line were formed.

Q. Be explicit as to the line; was it the first or second?

A. As soon as the first line was formed, they got upon e flank of the second line.

Q. What appeared in your front at the time that ol. *Sloper* asked you if you was going to charge?

Presid. (That was the first position.)

A. I am not sure that the rear of the *Saxgotha* regient was quite clear of our front. I saw nothing else.

Q. I wish you would recollect yourself, and acquaint e Court what obstruction the cavalry met with on the t of *August*; how long they were stopped, where, and whose order?

A. I hope in the course of my evidence the Court will able to extract answers to these questions.

L. *R. Manners.* I ask questions for the sake of coming the truth; if you can inform the Court no more than ou have, I am satisfied.

Gen. *Cholm.* I would ask you a question or two relave to my Lord *George*'s station when Captains *Legonier* nd *Fitzroy* came. You say that you was at the right f *Bland*'s, and that you saw Capt. *Legonier* come up to my

my Lord, and as you imagine he brought orde
could you clearly and distinctly see Capt. *Legonier*
that time? He has been described to be at the right
Bland's and of the *Inneskillings*.

A. Yes, I could.

Q. Who came up with Mr. *Legonier?*

A. I think I saw Capt. *Lloyd* with him.

Q. Did he come along the line with him?

A. Yes; they came along and galloped tog
ther.

Q. I should be glad to know, whether at the tim
when Mr. *Legonier* was coming up, the officers of t
cavalry were in their ranks, or advanced?

A. I cannot be positive as to that.

Q. I should be glad to know if you observed,
Capt. *Legonier* rode along the front of the *English* c
valry, an officer of the left squadron ride up
him?

A. He did not pass the left squadron, he came
rectly across along the front; from the front I did n
see him. He came across from the wood to Lo
George across the stubble field. I saw no body speak
him.

Q. Did Capt. *Legonier* pass the right squadron of t
Inneskillings?

A. I should be glad to know what time is meant.

Q. When he brought his orders?

A. Lord *George* was in the front of the *Inneskillings*
think, or very near it. I said before, that he direct
his voice to the *Inneskillings* when he gave the orde
and Capt. *Legonier* came directly up to him.

Q. At this time was any officer of the right squ
dron of the *Inneskillings* advanced?

A. I do not recollect there was at that time.

Q. Did my Lord *George*, before he sent the orde
to Colonel *Sloper* relative to the throwing away o
picket poles, give any order or orders preparative
their going upon action; or give any advice or d
rection, relative to it, either to the officers or men?

Judge Advocate. That was only introduced to prove Lord *George* was not at the place mentioned by *Sloper*. If it tends to diſcover any thing relative Col. *Sloper*'s diſobedience of the order, or to his adron being halted, it is improper to aſk it, as it is tter of charge againſt him.

L. G. Sackville. Nothing of that ſort was meant.

Queſtion repeated.

A. I do not know.

Gen. *Cholmondely.* I think all the obſtructions to the rch of the cavalry you have already deſcribed. Then aſk you, if the cavalry had marched as faſt and as iſkly in ſquadron, from the place of their firſt forma-n to the place where you firſt ſaw the wounded men d horſes, as they did when you ſaw Lord *George* ckville in the front of a great many ſquadrons trotting a briſk rate, do you think they would have gone m the one place to the other in 20 minutes?

A. They were to get to the wood, through the wood, d form on the other ſide of the wood.

Q. The queſtion ſays, if the cavalry had marched in uadrons from the place of their firſt formation to the ace where you firſt ſaw the dead bodies?

A. I did not ſee that done, and cannot anſwer to the eſtion: I can anſwer to what I ſaw done.

Q. What do you take to be the diſtance from the ace of the cavalry's firſt formation to the place where u firſt ſaw the dead bodies?

A. I cannot poſitively ſay; it was a great diſtance.

Q. Then I beg leave to aſk, how far it was from the ace where the cavalry was firſt formed to the wood?

A. I think it hard to put theſe things to me; the Court will have quarter-maſters and people to inform em. Diſtances are difficult to aſcertain; I wiſh I ould do it.

Preſident. You are to anſwer to the queſtions as ey are put.

Gen. *Cholm.* I want to know the diſtance from whe the cavalry was found to the entrance into the wood.

L. *R. Bertie.* The witneſs ſaid before that the woo was cloſe upon the left.

Q. You went with the cavalry. How broad was th place; how far was it through the wood?

A. The part I went through was narrow; fore trees; it was not very broad where I went through.

Q. From coming into the wood to coming o of it?

A. It could not be above a hundred yards there. think not.

Q. The place where you formed in two lines aft you had paſſed the wood, how far was that from th wood?

A. I never ſaw the cavalry ſtand ſtill; they were a ways in motion. I cannot judge the diſtance. Som part or other of the cavalry was always in motion.

Q. Now I underſtand that ſome part were moving u to form; but they were formed at one time. Do yo mean that the whole was always in motion, or ſome regi ments?

A. Some regiments.

Q. Did not the other regiments ſtop whilſt thoſ were forming?

A. Not ſufficient for me to fix the diſtance.

Q. What was the diſtance from the wood to the plac where you ſaw them forming?

A. I cannot ſay.

Q. Can you ſay how far the wood was from the plac where you ſaw the dead bodies?

A. I cannot fix the diſtance. I cannot aſcertain ex actly. There were incloſures; they were intermixed one among another. There were incloſures that ex tended themſelves beyond the wood.

Q. Sometimes cavalry are well foraged, and ſome times they are ill foraged. Did you hear that the ca valry was in good order or in bad order the day of th battle?

A.

A. I never heard any body ſay any thing in particular bout their condition.

Q. From your own obſervation do you think they ould have been able to trot a mile in a quarter of an our?

A. I don't know whether a ſquadron is meant, or a ngle horſe.

Q. I mean the whole *Britiſh*, from your own obervation.

A. Yes, ſtrait forwards and good ground; I ſhould hink ſo.

Q. You have told us that you left the two lines, and ent with Lord *George Sackville* to Prince *Ferdinand*; hat you went with Col. *Fitzroy*, who, during your ide, convinced you that his order was right. You mentioned this to Lord *George*, and Lord *George* replied, *Legonier* is full as ſtrong. You was then aſked the reaſon why Lord *George* ſent you for the *Britiſh* cavalry; nd you gave as a reaſon, the wood not appearing ſo hick as he apprehended it from the front line. Now do you know, or have you ever heard, that my Lord *George* ordered that wood to be reconnoitred, or was beſore acquainted what kind of a wood it was?

A. I do not know.

Q. I deſire to know at what particular place it was hat you ſaw the cavalry march faſteſt; whether it was before they came to the place where you ſaw the wounded, or after?

A. They went faſteſt over the heath. They never moved ſo faſt at any one part of the day, as they did over the heath.

Judge Advoc. Can you fix any particular period of time when they marched faſter upon the heath than at another?

A. I have ſaid in coming on to the wounded that I ſaw them in full trot.

Q. By whoſe order was the cavalry halted behind the line of infantry, when Lord *George* ſent you to Prince *Ferdinand* to know if he had any commands?

A. I do not know.

Q. Do you know whether both Lord *George Sackville* and Lord *Granby* were there when they halted?

A. I did not ſee Lord *Granby*.

L. *Harrington.* I underſtood that when Capt. *Legonier* came up, Lord *George* gave the word to advance ſtrait forwards: for what particular reaſon, and how came it about, that the cavalry marched to the left through the wood, inſtead of marching ſtrait forwards?

A. Col. *Fitzroy*'s orders prevailed againſt Capt. *Legonier*'s; I think that was the reaſon.

Judge Advoc. Did Capt. *Legonier*'s order import that they ſhould march ſtrait forwards?

A. I underſtood it ſo always.

Q. Did you ever hear Capt. *Legonier* tell Lord *George Sackville* that he was to march to the left?

A. No, I never did.

Judge Advoc. That queſtion does not ſeem neceſſary after he anſwered the other. I have two or three queſtions to aſk, relative to another point to which I have not hitherto aſked; and being new matter, Lord *George* will have an opportunity of aſking to it.

Q. Did you ever ſhew to any perſons, or permit them to take copies of a paper, ſetting forth Lord *George Sackville*'s caſe?

Witneſs. I ſhould be glad to know whether I am obliged to anſwer that queſtion.

Judge Advoc. I will explain the queſtion if Capt. *Smith* is ordered to withdraw.

Capt. Smith *withdrew.*

Judge Advoc. Suppoſe he has not ſhewn it, then there is an end of it: ſuppoſe he has, then the next queſtion will be, Whether Lord *George*, or any of the witneſſes, were unacquainted with the contents of it? If ſo, it may impeach the evidence given here.

L. *G. Sack.* Sir, I think this examination is upon oath. you go into evidence of all papers that have been rote, or letters that have been communicated, from e gentleman to another in regard to this tranſaction, think you will go into a wild courſe of proceeding: muſt likewiſe get an account of the different opinions, nverſations, and letters that have paſſed: I think it ill run the proceeding into a great length; how far it proper the Court will judge.

How far it is evidence they will alſo judge. Narraves or papers may be produced, partly wrote with my nowledge, partly without. How far that is to ſtand s evidence I cannot ſay.

I am no lawyer; a little of the military law I can ueſs at; but I have learned many things ſince I ſtood ere. I ſhould be glad to know in what light the Judge dvocate is here. In all other cauſes, the people who t as judges underſtand the law of the land. Here is Court under military law; their profeſſion is military nowledge: if they are to have recourſe to law at all, he Proſecutor is to lay down that law.

If a point of law ariſes, who is to argue it? Do I nderſtand law? No. If I did, I ſhould not be permitted to uſe it. The Judge Advocate is to inform ou.

There is another light he ſtands in, as Council for the riſoner. I take it for granted, when he is acting in hat capacity, he will take care that nothing improper s done againſt me. When any thing ariſes, the Proecutor becomes the Judge: the Judge declares the law, nd by that law you go on. When an objection ariſes to it, what opportunity have I to put in my plea? I oppoſe it; I object to it. Then what is to be done? If the Court nderſtood the law, I ſhould be ſatisfied. But it is in he breaſt of the Proſecutor to lay down the law, the aw by which he is to proſecute. I cannot have the leaſt chance of availing myſelf of any thing. As to military matters, I know ſomething of the courſe of proceeding. I never ſaw a military proceeding go beyond the facts.

If

If I was to be allowed Council to argue points
law, or if the Court knew matters of law, I ſhould r
ſatisfied. But I cannot think it right, if there is
Proſecutor, and no body is to interpoſe on a queſti
of this kind but the Proſecutor: I muſt be obliged
ſubmit to it, whether right or wrong. I always im
gined you were to determine by *viva voce* eviden
againſt *viva voce* evidence. Here is a paper to be pr
duced; perhaps many others; and pamphlets ma
there are; ſome are ſaid to be by my authority, for
by that of other people. I too muſt bring letters a
papers of information before you. Where can it end
I want the truth to come out. I ſtand here to he
every thing that can be ſaid againſt me. I never o
jected to matters of opinion for a great while. I w
ready to hear all, and make the beſt defence I cou
But I own this kind of evidence is beyond my compr
henſion.

Judge Advocate. I have ſtated, that this queſti
tends to impeach the evidence given in behalf of Lo
George. If he has, in any of theſe papers, or if t
witneſſes have, in any of the papers, ſtated the orde
or any thing elſe, different from what they do here,
tends to impeach that evidence. It is the duty of t
Proſecutor to impeach the veracity of any witneſs w
contradicts a witneſs produced by him.

L. *G. Sack.* If that is gone into, you will have
examination into the character and credit of every w
neſs that has been examined: and I am afraid you w
ſit here till you are all wore out. In that caſe, I wi
the Court conſiſted of forty-five inſtead of fifteen me
bers. I would ſtop this here in the beginning; for
think it will be endleſs.

I did think the point I was to be tried on was d
obedience of orders. I thought the *viva voce* eviden
was to determine that, and not to run into this kind
evidence.

Judge Advocate. I think we are run into a great leng
without precedent, and unexpectedly. But this is t
very gift of the queſtion. The opportunity of impeac

g the evidence ought to be equal on the ſide of the rown as on the ſide of Lord *George-Sackville.*

L. *G. Sack.* If the witneſſes for the Crown are im-ached, it has been by nothing but plain facts.

In regard to this point of evidence I ſee it is endleſs; nd I hope the queſtion will not be put to the witneſs. the Court inſiſt upon its being put, they will go into new kind of evidence; and I hope they will indulge e in doing the like. I know of a narrative of great ithority, a long-laboured narrative, that is not quite nſiſtent with what the witneſſes for the charge ſay. ſhall aſk for your ſummons to bring thoſe before you ho can authenticate that paper. But, if this goes on, can ſee no end of it.

Preſid. To prevent entering into a long examination, e will clear the room.

Judge Advocate. It does not appear that the cauſe epends upon it; therefore I will wave the queſtion.

Preſid. to L. *G. Sack.* The Court is to be ſworn anew o-morrow, and we would not break off in the middle f an evidence. Have you a ſhort one?

L. *G. Sack.* As you have gone into the matter at large, do not know that I have a ſhort one. They are all ng, except Col. *Hotham*'s brother, who is not a mili-ry man, but a clergyman. He was Chaplain to the aff. He can aſcertain ſome things as to times; as to aptains *Winſchingrode* and *Legonier*'s coming.

But firſt I have a queſtion to aſk Capt. *Smith.*

Capt. Smith *called in again.*

L. *G. Sackville.* Whilſt you was leading the cavalry rough the wood, did they march by quarter-ranks, s the moſt expeditious manner of getting upon the eath?

A. Yes.

Q. When I was upon the picket, the 30th and 31ſt, id I, to your knowledge, reconnoitre the wood or the eath, which was afterwards the field of battle?

A. Not that I know of.

A Member. Do you know whether the Greys marched rough the wood in ſquadrons or quarter-ranks?

A. I

A. I have anſwered that before, not as to the Gre in particular.

The Rev. Mr. Hotham *ſworn.*

L. *G. Sack.* I will not go ſo far back as the beginnin of the day, that has been gone through by ſo man witneſſes already; that would be only taking up tim to aſk this gentleman to it.

Q. Do you remember being with me, when th cavalry was formed in line by Capt. *Malhorti*'s order.

A. I do remember being with Lord *George* when th cavalry was formed into two lines by ſomebody's orde

Q. Do you recollect any thing of the ground upo which the cavalry was then drawn up? Pleaſe to deſcrib the poſition.

A. The ground, upon which the cavalry was draw up, was, to the beſt of my remembrance, corn or ſtu ble ground, with a hedge and incloſures upon the righ a wood upon the left, a windmill in front, and the vi lage of *Hallen* in front upon the right.

Q. How long did you ſtay there?

A. About five minutes, as near as I can remember.

Q. How came you then to go away?

A. My Lord *George* ſaw me at the time that ſom cannon-ball happened to ground near the place whe I was, and aſked me, Are you here yet? I ſaid I wa His Lordſhip anſwered, you have no buſineſs here: is time for you to take care of yourſelf: and adde fare you well, we ſhall be in action before it be long.

Q. Where did you go from thence?

A. I walked my horſe to the ſecond line.

Q. Who did you ſpeak to there?

A. General *Elliot.*

Q. What happened whilſt you was there?

A. I ſaw a foreign officer come to my Lord *Grant* and ſay ſomething to him in *French*; but I did not he what. As ſoon as the officer was gone, Lord *Gra* and General *Elliot* ſaid ſomething to each other. Gene *Elliot* immediately returned to me with his ſword draw and ſaid; We are going to move forward; fare y well.

Q. Ho

Q. How long had you been with the ſecond line, before that foreign officer arrived?

A. As near as I can now recollect, it was about five minutes.

Q. Do you now know who that officer was?

A. I do.

Q. Who was he?

A. Capt. *Winſchingrode.*

Q. Had you ſeen that foreign officer or any other bring me orders after the cavalry was formed and halted, whilſt you ſtayed with the firſt line?

A. I do not remember to have ſeen any.

Q. Did the ſecond line move ſoon after the foreign officer had been with Lord *Granby?*

A. It did; and it appeared to me to move in conſequence of what that foreign officer had ſaid to his Lordſhip.

Q. What became of you after that?

A. I ſtayed upon the ſpot a ſhort time, and then went through the wood upon the left, and came upon the heath, where many of the *Britiſh* infantry lay killed and wounded.

Q. Was the firſt infantry then advanced far from that field of battle?

A. They were advanced a conſiderable diſtance.

Q. Had any part of the cavalry at that time got through the wood?

A. I did not ſee any that had; and I do not think that there was time for them to have done it, as I took the ſtraight way through the wood.

Judge Advoc. At the time you ſaw the cavalry of the ſecond line make a motion, did they then march, or only make a motion?

A. They did move forwards towards the firſt line; they moved off the ground where I met them at firſt.

Q. Do you imagine that they then marched away through the wood, or only made a motion?

A. I really do not know whether they went through the wood after that without ſtopping; I cannot ſay.

Q. Did they march ſo as only to leave you a litt behind them, or quite away?

A. They certainly did not go quite away; I ſaw the move while I ſtayed, which was but a ſhort time. The did move forwards towards the firſt line.

Q. Did they march forward, or in what other directio did they march? What I want to know is, whether the marched for good, or whether they halted?

A. I really did not obſerve whether they halted o not.

Q. You ſay you went ſoon after that upon the heath do you apprehend that they marched from that tim forwards, or did they make any conſiderable halt?

A. I did not ſee them at all upon the heath; I le them with the wood upon the left of them.

Q. Did they wheel whilſt you ſaw them?

A. I did not ſee them wheel, for I took very litt notice of them after that.

Q. How long was that ſhort time you mention be fore you went away yourſelf?

A. A few minutes. A very few minutes.

Q. Which way did this foreign officer come at tha time when he came to Lord *Granby?*

A. He appeared to me to have come in a diagona line, either as coming out of the wood, or as comin from the left of the firſt line.

Gen. *Cholm.* Do you recollect how far the wood wa from the place where you ſaw the dead bodies?

A. After croſſing the wood, I croſſed one or tw ſmall corn fields, and then immediately came upon th heath.

Q. How far was it from the wood, when you had go out of the wood, to the place where you ſaw the dea bodies?

A. A very few ſteps; a very few yards. It was im mediately upon my coming upon the heath.

Q. Do you mean that after going a few yards yo ſaw the dead bodies; or that you then came to th place where the dead bodies were?

A.

A. I came to the place where the dead bodies were.

Q. From the number of dead bodies there, could you form a judgment to yourſelf whether the action began there or not?

A. I ſaw ſuch a number of dead bodies, as to make me very certain that the action had been there; and I concluded it had began there, becauſe I obſerved nothing farther back.

Lord *R. Bertie.* Do you know any thing of the fir-grove; did you ſee it?

A. I did ſee it.

Q. On which ſide of the fir-grove were the dead bodies?

A. There were ſome upon the two ſides of it that I ſaw.

Q. Did you obſerve any of the *French* mixed with them, or were they only *Engliſh?*

A. At firſt I ſaw none but *Engliſh.*

Lord *G. Sack.* At what part of the wood did you come out of; did you go directly acroſs or diagonally?

A. I came ſtraight acroſs it, in ſuch manner as to have the fir-wood upon my right-hand.

Lord *R. Bertie.* How far do you think the dead bodies were from the place where you left the ſecond line of cavalry?

A. I have anſwered that queſtion as well as I can before; I really can make no other judgment of the diſtance. I can explain it no other way, than by going acroſs the wood, and over the two corn fields.

Q. You ſay that at firſt you only ſaw *Engliſh* dead bodies; did you afterwards ſee *French*, and how near to that place?

A. It was pretty near the ſame ſpot, only a little nearer *Minden*; but where I firſt ſaw the dead bodies they were *Engliſh*; I ſaw but very few *French.*

Q. Did you ever ſee the cavalry through the wood?

A. I never ſaw the cavalry after I left them, before I croſſed the wood.

Lord *R. Manners.* Did you ſee any artillery as you went from the ſecond line to the firſt wood?

A. I do not remember ſeeing any.

Q. After you was through the wood, did you ſee Lord *George Sackville* when you had paſſed the wood?

A. I did not ſee him till ſome time after the victory was declared.

Preſid. Lord *George Sackville*, we cannot proceed any farther now.

Judge Advoc. There will be a new Court to-morrow.

Lord *G. Sack.* Am I to be ready?

Judge Advoc. Yes; but the Court cannot tell the time.

Then all parties were ordered to withdraw.

HORSE

HORSE-GUARDS, *March* 25, 1760,

At a COURT-MARTIAL there held.

4th Day's Sitting, on the Trial of Ld *George Sackville.*

PRESENT,
Sir *Charles Howard*, Preſident,
And the reſt of the Members as yeſterday.

Lord *George Sackville* ordered into Court.

Preſident.

LORD *George Sackville*, we are now in poſſeſſion of a new order, which the Judge Advocate will read.

Order read, dated March 25, 1760.

Judge Advoc. Some doubts ariſing in relation to the new warrant, I was willing to take ſome advice which might be relied on, and the opinions of thoſe who are to adviſe his Majeſty on ſuch occaſions have been taken; that is, the Attorney and Sollicitor General.

Reads the Queſtions and Opinions.

The ſubſtance of them.

A new Warrant being iſſued for the Trial of Lord George Sackville.

1ſt, Whether the Members of the Court and the Judge Advocate muſt not be ſworn again?

2d, Whether the charge muſt not be exhibited *de novo?*

3d, Whether the witneſſes muſt not be called upon again to give their teſtimony *viva voce*; or in what other manner is their teſtimony to be brought before the Court, without the conſent of the Proſecutor and the Priſoner?

4th, Whether the Court or the Parties are to be at liberty to put new queſtions to the witneſſes?

5th, Will

5th, Will the Proſecutor be at liberty to produce ne evidence?

Opinions.

1ſt, The Members of the Court and the Judge Ad vocate muſt be ſworn again.

2d, That the charge muſt be exhibited *de novo.*

3d, That the witneſſes to be produced on the ne trial muſt be called upon to give their teſtimony *vi voce.* But in caſe the Proſecutor and Priſoner are wil ing to ſave time, as the proof is taken in writing, if th depoſitions are read over to the witneſſes, and they a ſworn, and confirm the ſame, it will do.

4th, As this proceeding is a new trial, independent o the former, the Court is at liberty to examine the wi neſſes at large.

5th, That the Proſecutor is at liberty to produce ne witneſſes to ſupport the charge.

Judge Advoc. With reſpect to the latter part of th Opinion, I think it would be hard, when Lord *Georg Sackville* has proceeded ſo far in his defence, to produc any new witneſſes to ſupport the charge. I propoſe that the evidence, as it now ſtands, ſuppoſing it to b confirmed by the witneſſes, ſhall remain, and be take as part of the trial.

That no new queſtions ſhall be aſked, but that th witneſſes be at liberty to explain their evidence, as Capt *Smith* did yeſterday; and that ſhall be from the motio of the witneſſes; but that neither party ſhall have li berty to aſk a queſtion of a witneſs already examined Nor ſhall I call any new witneſſes in ſupport of th charge. I ſhall not examine a witneſs that I did no think I was intituled to examine by way of reply.

As Col. *Sloper* is impeached as to his veracity, I ſha think it neceſſary, to re-eſtabliſh him, by examinin witneſſes to his credibility.

One ſtep that has been taken by Lord *George Sack ville* to impeach his evidence, is by ſhewing from ſever witneſſes, that Lord *George Sackville* appeared in a di ferent condition from what Col. *Sloper* in his evidenc repreſented. In order to re-eſtabliſh him, it will b

neceſſary

ceſſary to ſhew, that Col. *Sloper* ſaw with no other es than other people; that will take off the aſperſion rown on his evidence. It will ſhew, that other people ade the ſame obſervation. Another manner in which I ropoſe to do it, is by examining witneſſes to prove that ol. *Sloper* is conſiſtent from the beginning. That the count he gave of the action is the ſame he now gives.

Another method taken to impeach his evidence, is by *alibi*, by proving that Lord *George Sackville* was at e right of the *Inneſkillings*, not of *Bland*'s. The Pro-cutor therefore will be at liberty to ſhew him at the ght of *Bland*'s.

As to the impeachment ſet up by Lord *George Sackville* f the evidence of Col. *Sloper*, I apprehend that the Pro-cutor ſhould be at liberty to anſwer that firſt.

If I am at liberty, as I clearly am, to examine wit-eſſes to ſhew that they ſaw Lord *George Sackville* in the anner Col. *Sloper* did, I apprehend that theſe witneſſes ould be examined before Lord *George Sackville* proceeds y further in his defence. If I do it by way of reply, Lord *George Sackville* will have no opportunity of an-wering it. If I examine theſe witneſſes before he pro-eeds any further in his defence, he will then have that pportunity.

This is not a circumſtance in regard to diſobedience f orders, only as to the credibility of the evidence.

That is the reaſon why I propoſe examining to this, be-ore Lord *George* proceeds any further in his defence.

I propoſe, as to one of the other matters, which is roducing witneſſes, who ſay that Col. *Sloper* gave the ame account, perhaps on the day of the battle, as he oes now, to examine to that; but my reaſon of doing hat is not the ſame. One of the witneſſes is of great ank, and I ſhould not take it up out of its proper time, nleſs on his account.

Preſid. Lord *George Sackville*, you have heard the Opinions read, and you know now that the manner of roceeding depends upon your conſent.

Lord *G. Sack.* Sir, this is certainly too ſudden for me o give an opinion in an affair of this conſequence.

I ſee

I ſee, in the progreſs of it, that I am to be favour with a new trial, under the name of a reply. I very unfit to ſpeak upon opinions of this ſort, wh are matters of law, without the leaſt warning, that thing was to come under this ſhape. What occurs me at preſent is this, That it is ſo contradictory what I hear is law, ſo contradictory to what I think equity, and ſo contradictory to common ſenſe, that ſurprizes me.

I cannot conceive, that becauſe Col. *Sloper*'s eviden has been impeached, you are, under pretence of eſt bliſhing his character, to enter into a new field of e dence, after what has paſſed. By this way you mig even have ſent to *Germany* for evidence, ſince my d fence has been gone upon. It is taking ſuch an a vantage of an officer, after the evidence has been go through and taken down, that I ſee no man can ev be ſafe that is to be accuſed at this bar.

This is fiſhing out evidence, to throw a ſlur up my character. Diſobedience of orders is what I a tried for; but this proceeding is quite new to me. muſt look upon it as fiſhing out evidence, after th have had a fortnight or three weeks to conſider of it.

I am talking, perhaps, very unlearnedly.

If I had had time, I might have had Opinio alſo.

I have nothing more to ſay, but out of regard the common cauſe of every officer, and for the ſake precedent, if this is to be permitted, under the ſha of a reply, and eſtabliſhing the credibility of a witne no man ſtanding here can ever be ſafe.

Judge Advoc. From what I ſaid, I did not expect be attacked for want of candour. I propoſe to call new witneſſes, but to eſtabliſh Col. *Sloper*'s evidenc which I before had a right to do. In the mean tim I ſhall take the evidence as it now ſtands.

Preſid. Lord *George Sackville*, are you willing ſhould go on with reading the evidence, as it no ſtands?

L. *G. Sac*

L. *G. Sack.* This matter is ſo ſudden, that I am really a loſs which way to anſwer it. In regard to reading e evidence of the witneſſes already examined, it apirs to be ſo reaſonable, that I cannot have any diffilty in conſenting to go on with it. After that is ne through, I ſuppoſe I ſhall have an opportunity of king ſome advice, and of ſhewing that what has been w propoſed, is not a regular manner of proceedg.

Preſid. Your Lordſhip has no objection to the evience being read?

L. *G. Sack.* No. But, Sir, as to the other part.— I look upon this as a Court of Equity, ſitting here to y me; I will appeal to the heart, to the honour, the th of every man here that is to do juſtice, how far is reply will be to all intents and purpoſes a new ial. I cannot reſiſt the Court, if they ſay they will into it; they know their own power. I ſhall only eſire the opinion of the Court to be taken, after offering hat I have.

Preſid. It is the conſtant practice at Courts Martial, hat the reply cloſes the whole.

L. *G. Sack.* What is the reply? To ſhew the credibility of the evidence, and how far it is to be believed; ut I never heard of bringing freſh matter into a reply.

Judge Advoc. I propoſe firſt to ſhew, that Col. *Sloper* id not ſee with different eyes than others did; then to hew, that he gave the ſame account juſt after the attle; and the other is, as to the *alibi.* What Lord *George Sackville* endeavours to ſhew is, that he was not here. Then the Proſecutor has a right to ſhew that e was. What would be the conſequence, if that was ot done? When it is proved that a perſon is in another place at the time, if there is no opportunity of going back again, to ſhew that he was there, every auſe would be eluded.

L. *G. Sack.* I deſire to have a copy of the opinions hat have been read.

Judge Advocate. You ſhall. You ſhould have h copies before the Court ſat, but I really knew nothi of it before this morning.

The charge ſtill ſtands explained to mean ord relative to the Battle of *Minden.*

Evidence for the Crown called anew.

Colonel Hotham *ſworn again.*

Judge Advocate to the Witneſs. The authority of t former Court-Martial expiring with the Mutiny Ac by conſent of Lord *George Sackville* and the Proſecuto it is agreed that the evidence ſhall ſtand as taken be fore: if there is any miſtake, you are at liberty to ſet right; but neither the Court or Proſecutor deſires an addition to be made to the former evidence.

Evidence given by Col. Hotham *for the Crown read.*

Q. Is that the ſubſtance of your evidence?

A. Yes.

The ſame as to Capt. Stubbs.
The ſame as to Lord Grandby.
The ſame as to Col. Johnſton.
The ſame as to Col. Sloper.
The ſame as to Col. Legonier.
The ſame as to Major Wogan.
The ſame as to Major Walſh.
The ſame as to Col. Fitzroy.

Preſident. Lord *George Sackville*, Have you any ob jection to calling in your witneſſes, to hear their evi dence read?

L. *G. Sack.* No.

Col. Preſton *called in and ſworn, and his evidenc given for Lord* George Sackville *read, and confirmed a the others.*

The ſame as to Col. Hotham.
The ſame as to Capt. Hugo.
The ſame as to Col. Pitt *for the Crown.*
The ſame as to Lieut. Biſſett *for Lord* George Sackville.

Capt.

Capt. Winſchingrode *called in again, and ſworn.*

Evidence given for the Crown read.

(added) That he mentioned to Lord *Granby*, that he was to paſs through the trees upon the left, in order to get upon the heath, and form there.

(added alſo) That he mentioned to Col. *Fitzroy* as he paſſed, that Lord *George Sackville* ſeemed for ſome time not to underſtand him. *Confirms the reſt of his evidence.*

Capt. Sutherland *ſworn.*

His evidence given for Lord George Sackville *read.*

He confirms it.

The ſame as to Capt. Lloyd.

The ſame as to Capt. Brome.

Then the Court adjourned till to-morrow morning, Ten of the clock.

HORSE-GUARDS, *March* 26, 1760

At a COURT-MARTIAL held by Adjournment.

15th Day's Sitting on the Trial of Ld *George Sackville*

PRESENT,
Sir *Charles Howard*, Preſident,
And the reſt of the Members as yeſterday.

Lord *George Sackville* ordered into Court.

Mr. Darenthall *called in and ſworn.*
Col. Clavering *ſworn to interpret.*
The evidence given by him for the Crown read.
Col. Clavering *interprets it.*
Witneſs confirms the evidence.
Capt. Smith *ſworn.*
His evidence read.

Witneſs. WHAT I had in my mind, as to the diſtance of fifty or ſixty yards, was the diſtance between me and Lord *George Sackville.*

The reſt is right.

Capt. Williams *ſworn.*

The evidence for Lord George Sackville *read.*

Q. Is that the ſubſtance of your evidence?

A. Yes.

The like as to the Rev. Mr. Hotham.

Preſid. Lord *George Sackville*; we ſhould regularly read the evidence of Capt. *Macbean* now; but he is not here. Have you any objections to going on?

L. *G. Sack.* No.

Evidence for Lord George Sackville *continued.*

Capt. Sutherland *called in again.*

L. *G. Sack.* Did I ſend you to *Halen*, ſoon after the cavalry was formed into two lines, to ſee what was doing there?

A. Yes.

Q. Was

Q. Was any artillery at that time paſſing through the ntervals, or upon the left flank of the cavalry?

A. Yes; I ſaw ſome artillery paſs upon the left of the valry.

Q. What were they?

A. The *Hanoverian* artillery.

Q. What paſſed at *Halen*; and when did you return o me?

A. Upon my arrival at *Halen*, I found the pickets rmed ready to make the attack in the church-yard, hat was the part of the village that the enemy was in oſſeſſion of. They called it the church-yard; and ſoon fter they ſucceeded in their attack; and, on finding they drove the enemy from the village, I returned to report o Lord *George*.

Q. How long was it, as near as you can gueſs, from he time you went to the village of *Halen* to the time ou returned to me?

A. I cannot ſay exactly; but it was not a very long hile.

Q. How long do you think it was by what you did? ou know the diſtance.

A. I was there but a very few minutes. It is im-oſſible to judge of the time. It is a little way; and galloped both in going and coming: I was there about our or five minutes. Going, coming, and ſtaying there, ere about ten or twelve minutes.

L. *G. Sack.* I underſtand, when you aſk a witneſs to ime, it is as near as he can gueſs; you do not tie him own to a minute.

Q. What did you obſerve as you came to me?

A. I ſaw Capt. *Legonier*, and one of my Lord *George*'s id-de-camps was with him; I cannot tell which. hey were in full gallop; and, immediately after his rrival to Lord *George*, I ſaw his Lordſhip draw his word, and the whole line of cavalry was in motion.

Q. Did you ſee any artillery at that time paſſing upon he flank of the cavalry?

A. I did; and took them to be the *Britiſh* artillery. had heard Lord *George Sackville* deſire Capt. *Williams*

to

to bring them up to the front: he gave him an ord to bring them up to the front with all poſſible expe tion.

Q. Do you recollect what part of the line I was wit when you came up to me?

A. To the beſt of my remembrance, Lord *Geor Sackville* was upon the front of the *Inneſkillings*, ſom where upon the front of the right ſquadron of the *Inn killings*; or it might be a little more to the right.

Q. Are you certain it was not upon the right *Bland*'s?

A. I am certain it was not, as well as I can remembe It could not be to the right of *Bland*'s; I am ſure it cou not.

L. *G. Sack.* That is always underſtood to the beſt of h memory.

Judge Adv. If he ſays he is certain, then it is expre

L. *G. Sack.* Are you certain it was not upon the rig of *Bland*'s?

A. I think not. I am very certain it was not.

Q. What happened after this?

A. Some time after the cavalry was in motion, Co *Fitzroy* arrived, and told Lord *George Sackville* that h was to march the *Britiſh* cavalry to the left. Lor *George*'s anſwer was, that he was a good deal ſurprize as he had juſt received an order, by Capt. *Legonier*, f the whole line to advance. Col. *Fitzroy* ſaid, that Cap *Legonier* and he left the Prince at the ſame time, an brought the ſame order. On which, Lord *George* calle out for Capt. *Legonier*. He came from the right; th makes me think Lord *George* was not at the right *Bland*'s. He ſaid he would anſwer, at the expence of h commiſſion, his honour, and every thing that was de to him, that his order was right. On which Lor *George Sackville* deſired them to agree together, and ſa he was ready to execute either order.

Q. Did they, after that, both continue poſitive their orders?

A. They certainly did. And Lord *George*, I think then aſked where the Prince was. I cannot ſay whethe

directed his voice to one or both; but he aſked where e Prince was; I think it was of Col. *Fitzroy*. Col. *itzroy* made anſwer, not a great way off. On which ord *George* deſired to be conducted to him.

Q. Had you any diſpute with any body, and who, e day of the action, about theſe orders?

A. If Lord *George* thinks that neceſſary for his defence, will relate it.

Lord *Albem.* Lord *George Sackville*, do you think it eceſſary to relate that?

L. *G. Sack.* I aſked it before of another witneſs: this ill confirm it.

Preſid. Lord *George Sackville* has aſked the queſtion egularly. There ought to be an anſwer.

Queſtion repeated.

A. There was a diſpute between Capt. *Legonier* and e about them.

Judge Adv. Lord *George Sackville*, if you think it aterial, you have a right to aſk it.

L. *G. Sack.* I know I have; but I never like to preſs y thing.

Q. to the Witneſs. Did you go with me to the Prince?

A. I did.

Q. What happened as I rode along?

A. As Lord *George* was galloping towards the Prince, e gave ſome orders, as I underſtood, to Capt. *Smith*, d Capt. *Smith* immediately rode back towards the avalry.

Q. How far was Capt. *Smith* from the cavalry, when ſent him back?

A. Not a great way. A few hundred yards, I think; cannot be poſitive as to the diſtance.

Q. Did we paſs the direction of the enemy's batteries we rode along?

A. We did. Several balls went over us, and ſeveral rounded near us.

Q. Upon my ſpeaking to the Prince, did you obſerve at he ſhewed, either in his words or manner, any diſ- pprobation of my conduct?

A. No.

A. No. I think he received Lord *George* with h
uſual civility, and I heard him give orders to Lo
George to form the cavalry on the plain; but whether
was in one or two lines, I cannot ſay.

Q. Who did I ſend off with an order to form t
cavalry directly?

A. Capt. *Lloyd*.

Q. Did you go back with him?

A. Yes, to ſee the order put in execution.

Q. Did I ſhew the Prince the cavalry advancing b
fore I left him?

A. Yes.

Q. Where did you go after that?

A. After I aſſiſted in giving the orders for the caval
to form upon the plain, I galloped towards the infantr
The firſt that I came up with was the *Hanoverian* guard
I met Major *Eſtoff* there, who deſired I would ride
the right, and deſire the *Britiſh* infantry, who were th
getting themſelves in order, to take more ground to t
right, and march as quick as poſſible to ſome hedg
that were in the front.

Q. What did you obſerve of the enemy?

A. I ſaw very few. For at that time they were g
towards *Minden*, cloſe to the walls of *Minden*; th
part of them that was in our front.

Q. When did you join me again?

A. I cannot ſay exactly the time; but I joined the
when they were halting in the rear of ſome *Hanoveri*
regiments of infantry.

Q. Can you judge any thing of the diſtance betwe
the cavalry, when they came out upon the heath, a
the *Britiſh* infantry?

A. No; I could not judge of the diſtance the
They were ſo far off, I could not ſee them.

Q. You went to them?

A. Yes, afterwards; but I cannot tell the diſtance.

Q. What do you think was the diſtance you ſ
them?

A. Above a mile a good deal; very near two
ſhould think. I never meaſured the ground over.

Q. Ho

Q. How far do you think it was between the *Britiſh* fantry and the enemy, when the *Britiſh* infantry was at e hedges, as you have before mentioned?

A. I cannot tell what diſtance they were from the emy; but I know they were not above 800 or 1000 rds from the town of *Minden*, as far as I can judge ith my eye. I ſaw very few of the enemy.

Q. Do you know any thing of the wood the cavalry aſſed through?

A. Yes; they paſſed through a wood.

Q. Had you been ever or often through it, before e day of the action?

A. I cannot ſay often; but I was in it the day before e action, through the greateſt part of it.

Q. Can you deſcribe it?

A. That part of the wood near to the windmill was ry thick with thorns and holly buſhes, and where the valry paſſed there were buſhes; there were thorns and olly buſhes where ſome of the cavalry paſſed; I do ot ſay the whole. Towards the left of the wood it was good deal thinner. If I remember right, there was an enue ſomewhere thereabouts.

Q. Which was nearer in going to the enemy, by the indmill ſtraight forwards, or by going through the ood to the left?

A. Certainly going to the windmill was a good deal arer.

Q. When you went with Lord *George Sackville* towards e Prince, did you meet with any impediment from the tillery?

A. No; ſingle horſes can always get through among aggons.

Q. Did you paſs through them?

A. I ſaw the waggons there; I can't ſay whether we aſſed through them.

Q. From the direction or number of the waggons u ſaw there, would they have been an impediment to valry marching?

A. I cannot ſay; I am no cavalry officer.

Q. You mentioned a circumſtance that confirmed you in your opinion of Lord *George*'s being at the head of the *Inneſkillings*; do you know of any particular circumſtance that leads you to ſpeak with more certainty of Lord *George*'s not being at the right of *Bland*'s?

A. When Lord *George Sackville* called out for Capt. *Legonier*, I myſelf called out for Capt. *Legonier*, and remember ſeeing him come from the right, where there were ſome ſquadrons of cavalry. It is from that circumſtance that I am confirmed, that Lord *George* was not upon the right of *Bland*'s.

Q. Did you obſerve how far Capt. *Legonier* was to the right at that time?

A. I cannot ſay any more than that I ſaw him come from the right.

Q. Can you ſpeak with any certainty, whether Lord *George* moved from the place he was in when Capt. *Legonier* firſt came to him?

A. I cannot. I know he moved to the front, becauſe he put the cavalry in motion.

Queſtion repeated.

A. He certainly moved from the place, becauſe he had marched forwards.

Q. Can you ſay with any certainty, whether his Lordſhip had moved farther to the right or the left within that time?

A. I cannot ſay; I don't know whether the cavalry inclined to the right or the left.

Q. But Lord *George Sackville?*

A. I cannot ſpeak with any certainty: a perſon's moving to the right or left is not to be fixed upon on ſuch occaſions.

Q. Did you ſee Capt. *Legonier* move from my Lord *George?*

A. No, I did not. He might have moved, for what I know; I did not ſee him move; he certainly went away from him.

Q. You ſay he was at the head of the *Inneſkillings* when Col. *Fitzroy* arrived; have you any circumſtance that

hat enables you to ſpeak with certainty, where Lord George was when Capt. *Legonier* came to him?

A. I have not.

Q. Have you any circumſtance, by which you can ſpeak with certainty to Lord *George*'s ſituation being towards the front of the right ſquadron of the *Inneſkillings* at the time when Capt. *Legonier* arrived?

A. I do not remember any particular circumſtance to ſhew he was there at that time.

Q. Was Capt. *Legonier* with Lord *George* when Col. *Fitzroy* arrived?

A. I told you a circumſtance that he came from the right; if he came from the right he was not with him.

Q. But at the time Col. *Fitzroy* arrived?

A. If he was I did not ſee him.

Q. How long do you imagine the cavalry had been in motion upon Capt. *Legonier*'s coming before Col. *Fitzroy* arrived? Can you aſcertain the time?

A. It was a few minutes; I really cannot aſſign any certain time.

Q. You mentioned that Col. *Fitzroy* ſaid, that Capt. *Legonier* and he left the Prince at the ſame time, and brought the ſame order; was there any difference other than in the number of troops between the order Capt. *Legonier* brought, and that brought by Col. *Fitzroy*; between the orders they delivered?

A. I did not hear Capt. *Legonier* deliver his orders, but learned that his orders were for the cavalry to advance. I mentioned Col. *Fitzroy*'s order before.

Q. Did you underſtand at that time that Capt. *Legonier*, either in regard of his order or the explanation of it, mentioned to Lord *George Sackville* that the cavalry was to go to the left?

A. I did not. Capt. *Legonier*'s order, by what I underſtood, was for the whole cavalry to advance.

Q. When Capt. *Legonier* contended ſo earneſtly that he had delivered his order right, did he mention to Lord *George Sackville* in what particulars they did or did not differ?

A. Not that I heard; but from his earneſt manner of expreſſing himſelf, he conveyed to me that there was a great difference in their orders, and he ſeemed to inſiſt upon it, that his order was to be executed.

Q. In preference to Col. *Fitzroy*'s?

A. I ſuppoſe ſo. It was between thoſe two.

Q. Do you apprehend you heard the whole that paſſed between Lord *George Sackville*, Capt. *Legonier*, and Col. *Fitzroy?*

A. I have told you all I heard.

Q. Do you apprehend, from your ſituation, that you heard the whole?

A. At that time I apprehend I did. Not the whole day.

Q. Before they ſet off to go towards the Prince?

A. I cannot ſay. I dare ſay I heard every thing that Col. *Fitzroy* ſaid upon the order at that time; I was very cloſe to them.

Q. Do you apprehend that any thing might have paſſed which you did not hear?

A. Many things might have paſſed.

Preſident. The queſtion is clear, whether you think there was any thing elſe?

Witneſs. I ſuppoſe I am come here to tell the whole that I heard. There might things paſs that I did not hear, I have told what I heard.

Queſtion repeated.

A. I have told you every thing I heard.

Q. Do you think there might have been more?

A. There might, or there might not, for any thing I know.

Lord *Albem.* Was you ſo near Lord *George Sackville*, and ſo attentive to every thing that paſſed, between Lord *George Sackville*, Mr. *Fitzroy*, and Mr. *Legonier*, that nothing could have paſſed without your hearing it? It is neceſſary to have an anſwer to it.

A. I have ſaid all I heard.

Judge Advoc. I am ſatisfied with the anſwer.

Q. You was aſked by Lord *George Sackville*, whether the Prince ſhewed any diſapprobation of his conduct:

you

ou ſaid, the Prince received him with the uſual civi-ty: do you recollect, in general, the ſubſtance of the hole which paſſed between the Prince and Lord *George ackville?*

A. I have already told you the ſubſtance.

Q. Do you recollect any thing elſe?

A. I do not recollect any thing more than I have entioned.

Q. At the time of your orders, was the wood known Lord *George Sackville* to be ſuch, as you have men-ioned it in your evidence; and did he know that you ad been in the wood?

A. Not that I know of. I had been in the wood he day before the action.

Q. You ſay, that where ſome of the cavalry paſſed, here were thorns and holly buſhes; do you know what art of the cavalry paſſed the wood where there were horns and holly buſhes, and by what means do you now it?

A. I imagine it was the *Britiſh* cavalry; and my rea-on is, I ſaw them come out from that part of the ood, where I formerly had obſerved ſome holly buſhes nd thorns.

Q. What part of the *Britiſh* cavalry was this?

A. The Blues, I think, were the firſt I ſaw.

Q. Do you know of any obſtruction there was at that ime to the *Britiſh* cavalry's getting to the plain, if they ad marched forwards by the windmill?

A. Not any, that I remember. There was ſome ca-alry, a very ſmall number, which I took to be pick-ts, and a regiment of infantry; whether thoſe were re-oved, before our cavalry was in motion, I do not xactly remember. We had a battery in our front ſides, pretty near the windmill, one of our own. I elieve it was Capt. *Foy*'s.

Gen. *Cholm.* I ſhall aſk you a queſtion or two by way f explanation. Which way did Mr. *Legonier* come, hen he brought his orders to Lord *George Sackville?*

A. He came obliquely from the left, I thought, as obſerved he was very near Lord *George* when I ſaw him.

Q. Where

Q. Where was my Lord *George*, when he firſt rode up to him to give him his orders?

A. I believe I did anſwer that before. Somewhere about the front of the right ſquadron of the *Inneſkillings*.

Q. As Capt. *Legonier* rode along, did you obſerve an officer from the left of the *Inneſkillings* ride up to him?

A. Not that I ſaw. Capt. *Legonier* was very near Lord *George* when I ſaw him.

Q. You was aſked, if you knew of any circumſtance which led you to ſpeak with certainty of Lord *George Sackville*'s not being at the right of *Bland*'s? You ſay you called out to Capt. *Legonier*, and you remember ſeeing him come from the right. Then Capt. *Legonier* brings his orders from the right of *Bland*'s. He is called from the right of *Bland*'s both by my Lord and you.

Judge Advoc. He has anſwered it. Capt. *Legonier* had given his orders, and they were in motion. This was after Capt. *Legonier* had given his orders.

Q. It is probable one went to the right, the other to the left; you cannot ſpeak to that?

A. No.

Gen. *Cholm.* How long, after Capt. *Legonier* had given his order, was it that he was called from the right by Lord *George Sackville*?

Judge Advoc. He did not hear the orders delivered.

Gen. *Cholm.* How long, after Col. *Fitzroy*'s arrival was it, that Lord *George Sackville* called to Capt. *Legonier*?

A. You may eaſily gueſs from the length of his order. I cannot fix upon the number of minutes. Immediately after Col. *Fitzroy* had delivered his order.

Q. You ſay that you went with Lord *George Sackville* to the Prince; that whilſt Lord *George Sackville* was there, he ſhewed the Prince the cavalry advancing: now when Lord *George* ſhewed the Prince the cavalry in motion, do you think the troops were then in motion, in conſequence of the order carried them from Lord *George Sackville* by Capt. *Smith*?

Judge

Judge Advoc. His anſwer muſt be conjecture. He d not hear the order given to Capt. *Smith*. He ſaw im go away.

Gen. *Cholm.* When Lord *George* ſhewed the Prince e cavalry in motion, do you think there had been fficient time to put the cavalry in motion from the rning back of Capt. *Smith?*

A. I cannot judge of the time.

Lord *Harrington.* What part of the cavalry was it, at Lord *George* ſhewed to the Prince to be advancing?

A. I cannot be poſitive, becauſe both appeared about e ſame time. I know the Blues appeared to me to firſt, but whether Lord *George Sackville* ſhewed em to the Prince, I cannot ſay.

Q. Where did you join the cavalry upon the heath, hen you went, as mentioned in your evidence, with apt. *Lloyd*, to aſſiſt him in the execution of Lord *eorge Sackville*'s order?

A. The cavalry I gave Lord *George Sackville*'s order o, I met before they got to the heath, as they were oming through the wood.

Q. Can you deſcribe what ground it was from the lace where you met the cavalry to the *Britiſh* infan-y?

A. It was heath ground. Where I met the cavalry, as a ſort of grove, as they came out of the wood; eyond that was a riſing ground, ſome fir trees upon it; eyond that was heath.

Lord *Robert Manners.* At the time you went from ord *George* to *Halen*, was Capt. *Foy*'s battery on the ill, or the *Minden* ſide of the windmill?

A. It did not appear to me to be on the *Minden* ſide; appeared to me between the windmill and the wood, at was in front. They told me it was Capt. *Foy*'s attery; I was never at the battery.

Q. You was not up at the battery?

A. No.

Q. Do you know whether the four or five guns, that ere upon the extremity of the left of the *French* line, ere ever ſilenced?

A. I

A. I was told, that the *Britiſh* artillery did that ſe vice; I did not know it at that time; I was told it aft the battle.

Q. After the village of *Halen* was carried by o pickets, did you hear any cannon upon the left of t *French* army?

A. I heard a great many cannon at that time; wh ther they were *Britiſh*, *Hanoverian*, or *French*, I cann tell. I dare ſay they were of each nation.

Q. Do you know whether Capt. *Foy*'s battery play any more upon that ſpot, after the village of *Halen* w taken?

A. I do not know; I ſhould think they did. The were continually cannonading, while the enemy w within their reach.

Q. If I am wrong in the ſtate of this queſtion, th Court will ſet me right. You ſay, upon your return t Lord *George Sackville* from *Halen*, you met Capt. *Will ams*; you ſaid, after your return.

A. I did not ſee him after my return.

Q. When did you ſee Capt. *Williams?*

A. Before I went to the village of *Halen*.

Q. You ſay you repeated the word for Capt. *Lego nier*, who was with the cavalry upon the right; wha cavalry were they to the right?

A. Bland's.

Then the Court adjourned till to-morrow morning, Te of the clock.

HORSE-

HORSE-GUARDS, *March* 27, 1760,

At a COURT-MARTIAL held by Adjournment.

6th Day's Sitting, on the Trial of Ld *George Sackville.*

PRESENT,

Sir *Charles Howard*, Preſident,

And the reſt of the Members as yeſterday.

Lord *George Sackville* ordered into Court.

Preſident.

LORD *George Sackville*, Mr. *Darenthall* has been examined. He has ſent a letter to the Court, acquainting them, that Prince *Ferdinand* wants him; and to know if the Court has any further occaſion for him. Has your Lordſhip any?

L. *G. Sack.* No; I have nothing to trouble him with.

Evidence for Lord George Sackville *continued.*

Capt. Lloyd *called in again.*

L. *G. Sack.* Did you ſee Capt. *Legonier* arrive?

A. I came with him.

Q. What orders did he deliver to me?

A. For the whole cavalry to advance.

Q. What did I do upon that?

A. Lord *George Sackville* immediately ordered them to draw their ſwords, and put the whole in motion.

Q. At what part of the line was I when you came to me with Capt. *Legonier?*

A. About the right of the *Inneſkillings*, as well as I can recollect.

Q. Are you ſure it was not on the right of *Bland*'s?

A. I think not. I am ſure it was not.

Q. Were any other orders brought to me, ſoon after the line was in motion, and by whom?

A. Col. *Fitzroy* arrived with orders for the *Britiſh* cavalry only to march to the left.

Q. What did I do upon that?

A. His Lordſhip immediately halted the line, a
(deſiring Col. *Fitzroy* not to be in a hurry, but to
diſtinct in his orders) aſked him where he had left t
Prince, as he had but juſt received orders from Capt
Legonier to advance with the whole cavalry.

Q. What did Col. *Fitzroy* reply upon that?

A. That he and Capt. *Legonier* had left the Prince
the ſame time, and brought the ſame order; or wor
to that effect.

Q. Did Col. *Fitzroy* inſiſt upon his having made
miſtake?

A. He did inſiſt that he had made no miſtake; th
his orders were right.

Q. Did Capt. *Legonier* own that he was miſtaken?

Judge Advoc. He has not mentioned that Capt. *Leg*
nier was preſent.

Q. Was Capt. *Legonier* preſent at that time?

A. Yes, he was. I beg pardon, Capt. *Legonier* w
not preſent at the time Col. *Fitzroy* arrived.

L. *G. Sack.* Did you ſee him come to me ſoon after

A. Very ſoon after. I ſaw him there; he might ha
been there before, and I not ſee him. I ſaw him the
ſoon after.

Q. Did Capt. *Legonier* own he was miſtaken?

A. No; he was equally poſitive that his orders we
right; and ſaid, he would anſwer it with his honour a
his commiſſion.

Q. What did I ſay upon their both inſiſting up
being right?

A. Lord *George* ſaid it was very extraordinary; b
if they would agree in their orders, he would execu
either.

Q. Did not I then aſk whether the Prince was near
hand?

A. Lord *George* did; and Col. *Fitzroy* offered to co
duct him.

Q. Did you go with me to the Prince?

A. I did.

Q. Did I give any, and what orders, as I rid along

A. Ca

A. Capt. *Smith* was ſent back with orders to bring the *Britiſh* cavalry to the left.

Q. Did we paſs the direction of the enemy's battery as we rode along?

A. Yes; ſeveral balls grounded near us, and went over us a long way.

Q. What did you obſerve while I was ſpeaking to the Prince?

A. Some cavalry appeared upon the plain, which Lord *George* ſhewed to the Prince, ſaying, *voici la cavalier que avance.*

Q. Did the Prince, either in his manner, or by any expreſſion, ſhew any diſapprobation of my conduct?

A. No. He received his Lordſhip with the ſame civility I had ever obſerved him uſe.

Q. Did you hear him give me any, and what orders?

A. He ordered that the cavalry ſhould form, and ſuſtain the infantry.

Q. Did I ſend you inſtantly to give that order?

A. Lord *George* did; and I ſpoke to the officer that led the line (an *Hanoverian* officer, they were *Hanoverians)* which immediately wheeled by ſquadrons, and began to form.

Preſid. Is this the firſt line?

A. It was the line that was coming out of the wood; I took it to be the ſecond line.

Q. What did you do then?

A. As ſoon as I had delivered my order, and ſaw it was going to be put in execution, I galloped up to the infantry.

Q. What did you obſerve there?

A. I ſaw the *French* cavalry at a diſtance; I could diſtinguiſh they were bodies of cavalry, and that was all.

Q. How far was the enemy from the *Britiſh* infantry, as near as you can gueſs?

A. As well as I could judge, better than a quarter of a mile.

Q. How far was the cavalry of the right wing from the *Britiſh* infantry at that time, reckoning from the place you left the cavalry forming upon?

A. It is difficult to aſcertain the diſtance, but I ſhould imagine about a mile; I cannot be poſitive.

Q. When did you return to me?

A. In a ſhort time.

Q. What was I then doing?

A. Advancing with the cavalry in line.

Q. Where did I halt?

A. In the rear of ſome *Hanoverian* regiments.

Q. What were they?

A. Infantry.

Q. Do you remember what other poſition the cavalry took afterwards?

A. The ſecond line was moved to the right, and formed fronting towards the moraſs.

Q. What do you know of the wood that the cavalry went through?

A. Where I paſſed through the wood was not very thick, but ſeemed much more ſo towards the right.

Q. Had I continued advancing forwards towards the windmill, as I began to do, when Capt. *Legonier* firſt came to me, would not the cavalry have ſooner joined the infantry than by going through the wood?

A. It certainly was the neareſt way to the infantry and to the enemy, to go ſtraight forwards by the windmill.

Queſtion repeated.

A. As it was the neareſt way, they certainly would have done it ſooner.

Mr. Darenthall *called in, and Col.* Clavering, *by the direction of the Court, acquainted him, that they had no further commands for him.*

Judge Advoc. to Capt. *Lloyd.* You ſay the order that Mr. *Legonier* delivered was for the whole cavalry to advance; was that the whole of the order?

A. It was the whole that I heard. He ſaid at the ſame time (but it was no order) that the enemy was in confuſion; he hoped we ſhould profit of it, or ſomething to that effect.

Q. Repe

Q. Repeat the whole of what he ſaid?

A. That was all. He ſaid this at the ſame time. It could be no order; it was only converſation.

Q. You do not recollect whether he mentioned, what they were to do when they had advanced, or for what purpoſe they were to advance?

A. No. I have told you all I know about the order delivered by Capt. *Legonier*.

Q. You have ſaid that Lord *George Sackville* immediately thereupon ordered the cavalry to draw their ſwords, and put the whole in motion; did the cavalry move forward at that time in front?

A. Certainly.

Q. How far do you imagine they moved forwards?

A. A very little way.

Q. Upon their moving forward, do you recollect that Capt. *Legonier* ſaid any thing to Lord *George?*

A. I did not hear him.

Q. Did you hear any mention at that time of marching to the left?

A. I did not; for I took my poſt as Aid de Camp, as ſoon as Capt. *Legonier* had delivered his orders.

Q. Where was your poſt?

A. I underſtand the poſt of an Aid de Camp is before the general officer.

Q. At that poſt was you capable of hearing what paſſed between Lord *George* and Capt. *Legonier?*

A. No; words might paſs, which I could not hear to be ſure.

Q. Was you near enough to hear?

A. No.

Q. You ſay Lord *George*, on the arrival of Mr. *Legonier*, was about the right of the *Inneſkillings*, and that you are ſure he was not on the right of *Bland*'s; is there any particular circumſtance which fixes that in your mind, and by which you are more certain than you otherwiſe would be?

A. No particular circumſtance; but to the beſt of my recollection he was.

Q. Was

Q. Was Lord *George* in the ſame part of the fron when Col. *Fitzroy* arrived, as he was when Capt. *Lege nier* arrived?

A. In the ſame part of the front.

Q. He had not moved except forwards?

A. Not, except forwards.

Q. Did Lord *George Sackville*, at the ſame time tha he deſired Col. *Fitzroy* not to be in a hurry, but to b diſtinct in his orders, aſk where the Prince was?

A. It was at the ſame time, or immediately after.

Q. Was it agreed, both by Col. *Fitzroy* and Capt *Legonier*, that they came from the Prince together?

A. I do not remember to have heard Capt. *Legonier* ſay ſo.

Q. Do you remember, when Lord *George* queſtioned them both together concerning their orders, that Capt *Legonier* mentioned in what particulars their orders did or did not differ?

A. He never ſaid any ſuch thing in my hearing.

Q. Where was you at that time?

A. I was in the crowd, among the reſt of the people that were about Lord *George Sackville* at that time.

Q. Do you apprehend, from the ſituation you was in at that time, that this or more might have been ſaid, and you not have heard it?

A. No, I think not, for I was particularly attentive.

Q. You mentioned Lord *George Sackville*'s going to the Prince, the reception he met with, and the orders the Prince gave him; did any converſation paſs between them beſides thoſe orders?

A. No other that I heard.

Q. You was aſked, whether if Lord *George Sackville* had continued advancing by the windmill, it would not have been the neareſt way; do you ſpeak merely from its being the neareſt way; was there any obſtruction?

Lord *Albemarle*. I will put a further queſtion upon that.

Q. Pleaſe to deſcribe the ground between the right of the cavalry and the open fields, where the cavalry might

ight have formed, if Lord *George Sackville* had continued advancing beyond the windmill.

A. It ſeemed to me to be open fields, without inloſures, and fit for cavalry to march upon, without reaking their order.

Q. Towards what part?

A. Towards the front.

Q. We have had every thing explained to the left, ow we want to know how it was forward; in what ront could they have marched?

A. In the ſame front they were then in; in two ines.

Q. Did the open fields join to the heath?

A. The heath was to the left of the wood; the windmill was to the right of the heath; it ſtood upon the edge of the wood.

Q. When they came to the windmill, was there any interruption to their going upon the heath?

A. No.

Q. Were there any batteries?

A. There were ſome batteries of the enemy, that played upon the heath, but I do not imagine they were any obſtruction. There was a battery that came over the windmill, came among the artillery upon our flank.

Queſtion repeated.

A. There was a battery, becauſe ſome of the ſhot came near the cavalry, among the artillery; they grounded in the front of the cavalry, rather towards the left; I ſaw ſome take place among the artillery.

Preſid. Do you think that the cavalry was more expoſed to the battery of the enemy by marching by the windmill, than by marching by the wood where they did march?

A. By the windmill to be ſure.

Gen. *Cholm.* You ſay that the enemy was towards the left of the wood?

A. I never ſaid any ſuch thing, I am certain.

Q. Sup-

Q. Suppoſe the cavalry had marched by the windm
to the right of where they marched through, muſt n
they, after they had paſſed it and come to the heat
have inclined to the left, to have gone to the place whe
you ſaw the *Britiſh* infantry?

A. They muſt have inclined to the left, to go
where I ſaw the *Britiſh* infantry, as they were upon t
left of the wood.

Q. Muſt not they have gone as far to the left
where the cavalry came out of the wood?

A. I ſhould think not quite ſo far; I cannot be ce
tain as to the diſtance.

Judge Advoc. There may be a miſtake; this does n
ſeem quite conſiſtent with what he has ſaid, of the win
mill being the neareſt way.

Witneſs. The cavalry by going through the wood r
ther inclined backwards.

Q. How would they have been nearer by goi
ſtraight forwards by the windmill?

A. Becauſe the cavalry in going through the wo
went towards the rear.

Gen. *Cholm.* I underſtood that the left of the caval
was formed almoſt cloſe to the wood; they did n
march in a diagonal line towards the rear?

A. They did.

Q. When the cavalry marched through the wood b
the left, did they march ſtraight forwards?

A. I ſaw them come out of the wood, and they h
marched to the rear.

Q. When the cavalry came out of the wood, ho
much do you think they had marched towards the
rear?

A. As well as I can recollect ſome hundreds of yard
I cannot be poſitive as to the diſtance; it ſeemed to m
to be ſome hundred yards.

Q. I will now go back to the former part
your evidence. You attended Lord *George Sackville*
Prince *Ferdinand*, you mentioned the converſation ther
and that he ſent you back with orders to form t
cavalry

valry. As ſoon as you had delivered it you gal-
ped up to the infantry, and ſaw the *French* cavalry,
d as well as you could diſtinguiſh they were bo-
es of cavalry, and a quarter of a mile from the *Bri-*
ſh infantry. Pleaſe to inform the Court whether the
ritiſh infantry had been attacked when you went
them.

A. They certainly had. The engagement appeared
me to be over.

Q. Pleaſe to deſcribe the ground between the *Bri-*
ſh cavalry of the right wing, and the body of *Bri-*
ſh cavalry you then ſaw?

A. It was moſtly heath. Open ground.

Q. Was not the whole heath?

A. At the ſpot where the infantry was upon; where
hey were halted, there was a hedge in their front;
ſmall hedge.

Q. Were they halted when you ſaw them?

A. Yes.

Q. Then, from the kind of ground that you have
eſcribed thus, are you of opinion that if the caval-
y had gone at a briſk trot from the place where you
iw them formed, to the place where you ſaw the in-
antry, do you think they would not have got there
n a quarter of an hour?

A. I do not know what a ſingle horſe or a ſingle
quadron might do, but I ſhould think a line of caval-
y would not.

Q. Did you ſee the *Britiſh* cavalry charge that
ay, or ſupport any body of infantry during the
ction?

A. The cavalry could not have charged, as no ene-
my was within their reach from the time of their paſ-
ing the wood. The engagement was over, as well
s I could obſerve, before they could get up to the
nfantry. I mean after the order given by Prince
Ferdinand himſelf in perſon.

Q. By whoſe order did they halt in the rear o the *Hanoverian* battalions, as you mentioned?

A. I do not recollect who brought the order, par ticularly, or whether it was left to my Lord *Georg Sackville*, to halt there, as he was then near enough to them. He was cloſe upon them.

Preſi. To explain this. Was you there in perſon?

A. Yes.

Q. Did you take that to be the ſecond line o foot?

A. There was but one line that I ſaw at tha time.

Q. Did you ſee the *Britiſh* infantry at tha time?

A. Not the *Britiſh* infantry that were to the left I did not ſee them at that time.

Q. You do not know what diſtance the *Britiſh* in fantry was from the line when the cavalry halted?

A. They were upon the left of them in the ſame line. I ſaw them afterwards.

Q. At what diſtance?

A. In a continued line, the whole army.

Lord *Robert Bertie.* When Lord *George* ſhewed the Prince the cavalry coming out of the wood, do you know whether the action was over at that time?

A. I cannot ſay that I did know.

Q. Do you know it now?

A. No.

Q. You went directly to the cavalry, delivered your order, and went to the infantry, and then you ſay the action was over, it laſted but a ſhort while.

A. The action might have begun long before that, it is impoſſible for me to ſay when the action begun.

Q. Was the action begun, before you left the Prince?

A. I do not know.

Lord

Lord *Albemarle.* If Lord *George Sackville* had continued moving forwards with the cavalry by the Windmill, how far could they have advanced upon the plain towards the enemy without diminiſhing their front, which was their whole firſt line?

A. As far as the enemy, I believe.

Lord *Robert Manners.* Was you preſent, when Captain *Winſchingrode* came?

A. Juſt before he went away.

Q. Do you know if Lord *George Sackville* put in execution any part of that order. Firſt, did you hear the order delivered?

A. I did not.

Q. You was ſent with orders to reconnoitre?

A. Yes.

Q. Do you know whether Lord *George Sackville* put in execution any part of the order which you underſtood to have been delivered by Captain *Winſchingrode?*

A. All that I know of it is, that the regiment of *Sax-Gotha,* which was in our front, was ordered to be removed, and I was ſent by Lord *George Sackville,* to reconnoitre the poſition of the infantry, when I met Captain *Ligonier,* and returned with him.

Q. When you returned was the cavalry in any motion?

A. I have anſwered that I did not obſerve.

Q. When you went with Lord *George* to the Prince, who was with the Prince at that time?

A. I remember ſeeing Colonel *Fitzroy* with him.

Q. When you was upon the right of the wood, did you know what ſpot of ground the *Engliſh* infantry was then on?

A. I could not know the ſpot of ground exactly, but by their ſituation in the line when encamped, I knew they muſt be ſomewhere to the left.

Q. Can you recollect any obſtruction or impediment the *Engliſh* cavalry met with on the firſt of *Auguſt*; if halted, where, and for what reaſon, and by whom?

A. I ſhould be glad to know in what part of the day.

Q. The whole of the day, it was a very ſhort time from your marching off?

A. They were halted firſt of all by the orders of Mr. *Malhorti*. I do not recollect any other halt till they came to the rear of the infantry. As to impediment, it was certainly the wood, which obliged them to change their front, and march in ſmall bodies.

Q. Can you give any reaſon, why the left of the cavalry, when they advanced upon the heath, were always advanced before the right?

A. I cannot ſay I know of any reaſon, neither did I obſerve particularly that it was ſo.

Q. Do you know any thing of Captain *Foy*'s battery?

A. I do not know any thing of it.

Lord *Harrington*. If the cavalry had advanced in two lines by the windmill, would any part of the wood, or the artillery have been the leaſt impediment to them?

A. I have already anſwered that queſtion. No, certainly.

Lord *Robert Manners*. Would the artillery have been of any impediment if they had marched to the left?

A. At what time?

Q. At the time they did march to the left?

A. No, at that time the artillery ſeemed to be moſtly paſt.

Gen. *Cholmondely*. When a diſpute aroſe about the order, did Lord *George Sackville*, to your knowledge, obſerve, to any of the perſons who brought him the orders,

rders, that going by the windmill would have been he ſhorteſt way to have put in execution Prince *Ferdinand*'s orders?

A. I did not hear him obſerve that; but the mmediate obedience that was paid to Captain *Li-onier*'s order, ſhewed which of the orders appeared eſt to his Lordſhip.

Lord *Robert Manners*. Did Lord *George Sackville* end to reconnoitre the ſpot on which the *French* bat-ery ſtood?

A. I cannot ſay that I know he did.

Preſi. Can you give the Court any information s to the hour of the day when Captain *Ligonier* rrived?

A. No.

Q. Can you tell the hour when Colonel *Fitzroy* rrived?

A. That was immediately after. I cannot tell the hour of the day.

Q. In what part of the day was it that you went to the *Britiſh* infantry, do you know?

A. No.

Lord *Robert Manners*. Can you recollect how long you ſaw Captain *Winſchingrode* with Lord *George?*

A. A ſhort time.

Lord *G. Sackville*. A queſtion has been put by General *Cholmondely* to ſeveral witneſſes, but not to this witneſs. As you came with Captain *Ligonier*, did you ſee any officer of the left ſquadron of the *Inniſkillings* ride up to him as he was riding away?

A. I do not recollect to have ſeen any. He rode full ſpeed; I do not remember his ſtopping.

Gen. *Cholmondely*. What way did he come, in a diagonal line, or how?

A. I met Captain *Ligonier* upon the ſkirt of the wood, on our ſide next the cavalry towards the windmill.

Q. You

Q. You came with him?

A. Yes. All the way from where I met him.

Q. Did you ride along the front of the cavalry or how near the cavalry?

A. From that part of the wood, we made directly towards the right of the *Inniſkillings*, where Lord *George* was.

Judge Advocate. Did you judge from your eye where Lord *George* was at that time, which occaſioned your going directly acroſs to him, or was it from your having juſt left him upon the right of the *Inniſkillings?*

A. I had juſt left him upon the right of the *Inniſkillings*, I could diſtinguiſh by my eye.

Lieutenant Biſſet *called in again.*

Lord *George Sackville.* Did you ſee Captain *Ligonier* come to me?

A. I did.

Q. Did you hear the order he brought?

A. No.

Q. What did I do upon receiving the order.

A. Lord *George* immediately made the cavalry draw their ſwords, and put the line in motion.

Q. Do you recollect where I was at the time of Captain *Ligonier*'s arrival?

A. I cannot recollect it.

Q. Can you gueſs whereabouts it was?

A. I ſhould imagine Lord *George* was not to the right of the cavalry, but I can make no further gueſs.

Q. Did you ſee Colonel *Fitzroy* come?

A. I did.

Q. Did you hear his order?

A. I did not.

Q. Did

Q. Did you at that time hear what the orders ere reported, by the perſons nearer me, to have een?

A. I did. That Captain *Ligonier*'s was to advance ith the cavalry, and Colonel *Fitzroy*'s with the *Bri-* only.

Q. Did you hear them diſpute about their rders?

A. I was too diſtant to hear the orders, or the iſpute, but did perceive they were in diſpute out ſomething. I did approach nearer in or- er to hear. At which time Lord *George Sackville* as aſking to be carried to the Duke, which Co- nel *Fitzroy* undertook to do, I aſked what the onverſation was, before I came within hearing, nd I was told, it was about which orders ſhould be beyed.

Q. Did you hear that any thing had paſſed in gard to the time of their leaving the Prince, and the meſſages they brought?

A. I was told by ſome of the people that ſaid ey heard the orders, and the diſpute upon the or- ers, that they came from the Prince with the ſame rder, and at the ſame time.

Q. Did you go with me to the Prince?

A. I did.

Q. Did we croſs the direction of the enemy's bat- eries in going?

A. We undoubtedly did.

Q. When I joined the Prince, did you perceive im expreſs in words or manner any diſapprobation f my conduct?

A. I did not perceive he did.

Q. Did you ſee whilſt I was with the Prince, the ead of a column of cavalry coming out of the ood?

A. I did?

Q. Where

Q. Where did you go then?

A. I went to the left in the rear of the attack.

Q. What did you obſerve there?

A. I obſerved our infantry greatly advanced upo the heath to be puſhing the enemy, and conſiderabl to have gained ground of them. At this time I me many of the wounded officers coming off the fiel I then returned to Lord *George Sackville.*

I omitted to mention that Capt. *Roy* was with m all the time.

Q. Did you go back again to the infantry?

A. A very little time after I did, at which time found them formed in one line, the enemy was the juſt out of ſight, but as it was generally thought th enemy's line was formed behind the houſes, and a the regiment I ſerved in (which is *Brudenell*'s) wa in great want of officers, I returned to Lord *Georg Sackville*, to obtain his permiſſion to ſerve in the re giment, which Lord *George Sackville* approved o and granted me, I then joined my regiment, an know nothing further.

Q. Did you ſee any of the enemy after you joine the regiment?

A. I did not till after the army was formed in thei laſt poſition, when I ſaw the enemy's infantry in th hedges of *Minden.*

Judge Adv. Have you any particular circumſtance upon which you formed your conjecture, that Lor *George Sackville* was not upon the right of the cavalry at the time when Capt. *Ligonier* arrived?

A. The right of the cavalry was near to the hedge in the front of *Hartum.* I do not recollect being nea thoſe hedges at the arrival of Capt. *Ligonier.*

Q. You ſay you was not within hearing of the or der?

A. No.

Q. What

Q. What was reported at the time to have been e difference between the two orders.

A. That Capt. *Ligonier*'s was for the whole cavalry, d that Col. *Fitzroy*'s was for the *Britiſh* only.

Q. Is that the whole of the difference as you under- ood it?

A. Yes.

Lord *Robt. Manners*. Was you preſent at the ar- val of Capt. *Winſchingrode*?

A. I was.

Q. How long did Capt. *Winſchingrode* ſtay with ord *George*?

A. I did ſay, only during the time of repeating e order twice.

Lord *G. Sackville*. I ſhould be glad to have a ſhort itneſs now, I did intend to aſk ſome queſtions, to ow the general intention and ſituation of the nemy.

Lord *Robt. Manners*. That cannot be material, he ſingle queſtion is touching diſobedience of orders. Theſe brought by *Winſchingrode*, and the others.

Lord *G. Sackville*. Sir, if we had kept purely and iſtinctly to theſe orders, and had not entered into matters of opinion, I believe what Lord *Robert Man- ers* ſays is the beſt way of trying the fact that I am ccuſed of. We have gone into this length of pre- ceeding by aſking matter of opinion; if you look nto the *Judge Advocate*'s minutes, you will find the roſs examination of my witneſſes has been all of opi- nion, and the examination of the witneſſes for the rown was moſtly ſo.

Preſi. My Lord *George Sackville*, I think in the examination of your witneſſes there was a good deal of matter of opinion. There was little in ſupport of the charge, it was chiefly matter of fact.

Lord *G. Sackville.* All the cavalry officers were asked many queſtions what would have been the conſequence if ſuch things had been done. Theſe queſtions are all matter of opinion.

Preſident. It has been always the cuſtom of Court-martials to aſk opinions, I wiſh it was not.

Lord *G. Sackville.* If the Court's of opinion, I ſhould wave all that, I will not aſk a queſtion but to facts, if that is the ſentiment of the Court, I will wave all opinion.

If that is the caſe, I had rather conclude here for to-day, I will go as little into matter of opinion as poſſible, I hope the proſecutor will do the like, I will wave going into any collateral point, I will not go into the infantry which I otherwiſe ſhould have done.

Then the court adjourned till to-morrow morning, 10 of the clock.

HORSE-GUARDS, *March* 28, 1760.

At a COURT-MARTIAL there held by Adjournment.

Seventeenth Day's Sitting on Lord *George Sackville's* Trial.

PRESENT,

Sir *Charles Howard*, Preſident, and the reſt of the Members as yeſterday.

Lord *George Sackville* ordered into Court.

Evidence for the Priſoner continued.

Capt. Macbean, *ſworn.*

His Evidence read.

Witneſs adds.

IN regard to advancing with a number of guns abreaſt. At one time that day, in advancing, we advanced with 10 guns abreaſt for a very ſmall diſtance.

And adds.

This brigade was the largeſt I ever commanded in action. As to its being practicable to advance with ſix guns a breaſt, we did advance that day, as I ſaid before, for a ſmall diſtance with 10 guns abreaſt.

Inſtead of five horſes to each gun, I recollect we had ſeven.

Q. Is this the whole?

A. Yes.

Lieut. Whiteford, *ſworn.*

Lord *G. Sackville.* Where was you poſted during the action on the 1ſt of *Auguſt?*

A. In the center of the center rank of the right ſquadron of the *Inniſkillings* dragoons.

Q. You carried the ſtandard?

A. Yes.

Q. Did you ſee Capt. *Ligonier* come towards me?

A. I did.

Q. Where was I at that time?

A. At the time I ſaw Lord *George Sackville*, he was at no great diſtance from the ſquadron where I was.

Q. You cannot aſcertain the ſpot?

A. I cannot.

Q. What was done upon Capt. *Ligonier*'s coming to me?

A. The cavalry ſoon afterwards drew their ſwords and advanced.

Q. Had I been at the right of *Bland*'s, could you in the ſituation you was then in, have ſeen me?

A. I am not certain, I believe not.

Q. Do you remember our marching by the left into the plain?

A. I remember marching by quarter ranks to the left.

Q. Where did you form on coming upon the heath?

A. Behind part of the firſt line, I believe behind the blues.

Q. What did we do after that?

A. We extended to the right, and formed in the firſt line; in one line.

Q. Did we advance then?

A. We did.

Q. Where did we halt?

A. I do not exactly remember where we halted, but I think in the rear of ſome *Hanoverian* battalions.

Q. Do you remember the cavalry taking any other poſition after that?

A.

A. To the beſt of my remembrance we took poſition fronting *Minden*.

Q. Did you know the battle was over, when we paſſed over the killed and wounded?

A. I did not.

Q. Did you ſee any thing in my looks, manner, or behaviour that day, different from what it was at any other time?

A. I did not.

Judge Adv. Did you obſerve Lord *George Sackville*, at the time Capt. *Ligonier* was delivering his order to him?

A. I did not.

Q. Did you ſee Capt. *Ligonier* come up to Lord *George*?

A. I did not.

Q. Then you cannot ſay where Lord *George* was at that particular time?

A. I cannot.

Q. When did you ſee Lord *George*?

A. Soon after having ſeen Capt. *Ligonier*, at the time we advanced, or about the time.

Q. Did you hear or obſerve his Lordſhip give orders to the troops to march?

A. I did not.

Q. You cannot be particular as to the ſpot where Lord *George* was at that time?

A. I cannot.

Q. You ſaid you believed if he had been at the right of *Bland*'s, you cou'd not have ſeen him, if he had been at the front in general, cou'd you have ſeen him?

A. I cannot ſay at what diſtance I cou'd have ſeen him.

Q. If he had been in the center of *Bland's* cou'd you have ſeen him?

A. I really can fix no diſtance at which I could have ſeen his Lordſhip.

Q. If Lord *George* had been at the right of the

In-

Inniſkillings in the front, and had given orders to march, do you apprehend you ſhould have heard him?

A. If he had ſpoke very loud I ſhould.

Preſi. At what hour was it that Capt. *Ligonier* came?

A. I cannot pretend to ſay.

Gen. *Leighton.* Do you know what were the intervals between the *Inniſkillings* and *Bland*'s?

A. I cannot pretend to ſay.

Capt. Hugo, *call'd in again.*

Col. Irwin, *ſworn to interpret.*

Lord *G. Sackville.* Did you ſee Capt. *Ligonier* come to me?

Col. Irwin, *tranſlates the anſwers.*

A. Yes, I did.

Q. What did I do in conſequence of Capt. *Ligonier*'s coming to me?

A. My Lord *George* ordered the line to draw their ſwords and march.

Q. Did you ſee Col. *Fitzroy* arrive?

A. Yes, I did.

Q. Did you perceive any diſpute between Col. *Fitzroy*, Capt. *Ligonier*, and me, in relation to the orders they brought?

A. Yes, there was a diſpute.

Q. What do you apprehend was the ſubſtance of what paſſed upon that occaſion?

A. My Lord halted the cavalry, ſaying, that there was a difference in their orders, he did not know which of the two to obey. Beſides, I was not converſant enough with *Engliſh*, to underſtand the whole of the converſation; it appeared to me they were both ſure of their orders.

Q. Where

Q. Where did I go after that?

A. To find the Duke.

Q. Did you go with me?

A. Yes.

Q. What pace did we go?

A. A gallop.

Q. Do you remember my ſending Capt. *Smith* ck, in our way to the Duke, with any and what ders?

A. Yes, I remember that my Lord ſent back apt. *Smith*; and as I underſtood, that the orders of ol. *Fitzroy* might be obeyed.

Q. How long did I ſtay with the Duke?

A. A little time, I cannot fix it.

Q. Did you perceive either by the Prince's man- or converſation, any diſapprobation of my con- uct?

A. When I ſaw the Duke, I did not obſerve any ing particular.

Q. What did you obſerve upon my return towards e wood?

A. I ſaw the ſecond line forming with my Lord *anby*.

Q. What was the next order I gave you?

A. My Lord ſent me to the *Hanoverians* of e firſt line, which had remained on the other ſide f the wood, with orders for them to come and join im.

Q. Did you bring them to me as ſoon as you uld?

A. Yes, I did.

Q. Where did you join me?

A. When the cavalry had marched up to the rear f the line of *Hanoverian* infantry, and the ſecond e was in march to take the poſition near the *Moraſs*.

Q. Do you know where I was when Capt. *Li- nier* brought his orders?

A. I

A. I cannot remember at the head of which regiment, I have forgot.

Q. Do you remember my ſending the Rev. Mr *Hotham* from the firſt line?

A. Yes, I do.

Q. Do you recollect the time or any circumſtance relating to it?

A. I do not exactly remember the time, I think my Lord ſaid to him, it was not his buſineſs to ſtay there any longer, or ſomething to that effect.

Lord *Delawar*. You ſay that the cavalry halted behind the line of infantry. Do you know whether that line of infantry was the picketts that were employed upon the attack of *Helen?*

A. It was a line of entire battalions, ſeven or eight battalions, I don't know if the picketts might not have joined them.

Judg Adv. Do you know whether thoſe battalions were ordered there to ſupport the attack of the village?

A. I do not know by what order they were there, or for what purpoſe.

Lord *Robt. Bertie*. Did theſe ſeven or eight battalions belong to the ſecond line?

A. I do not know.

Q. Do you know whether that village was in poſſeſſion of the French at the beginning of the day?

A. I heard that the French were in poſſeſſion of it I do not know at what time.

Q. Did you hear Capt. *Ligonier* deliver his orders?

A. No.

Q. Did you hear the ſubſtance of the converſation touching the difference of the orders yourſelf, or did you only hear from others that were about you, that that was the ſubſtance?

A. I heard it myſelf.

Q.

Q. Pleaſe to relate what you took then, to be the ifference between the two orders.

A. I underſtood, in the courſe of the converſation, at the difference between the two orders was, that ol. *Legonier* had brought an order for the whole ne to advance, and Col. *Fitzroy* for the *Britiſh* only advance by the left.

Q. You accompanied Lord *George Sackville* to the uke. Where did you find the Duke?

A. We found the Duke after we had paſſed the ood, as appears to me between the long wood and e fir-grove, on the right.

Q. Did you hear the whole converſation that aſſed betwen the Prince and Lord *George Sackville?*

A. No.

L. *R. Bertie.* How long was it from the time of ol. *Fitzroy*'s coming, to the time that Lord *George ackville* ſent back Capt. *Smith?*

A. A ſhort time. I cannot fix the time.

Q. Was the engagement with ſmall arms over, hen Lord *George* and you were with the Prince?

A. I do not know whether there was any muſke- y engaged, I heard ſome cannon at that time.

Q. If there had been then an engagement with mall arms, was you near enough the infantry to ave heard it?

A. I do not know where the infantry was; I can- ot ſay whether I could have heard it; all I can ſay, , I do not recollect to have heard it.

Q. You now know where the infantry was en- aged?

A. Yes.

Q. Conſidering the diſtance between the place here they were engaged, and the place where the rince then was, if they had been engaged whilſt ou was with the Prince, do you think you ſhould ave heard them?

A. Yes, I ſhould think ſo

L. *R. Manners.* I ſhould be glad to know, wh commanded thoſe ſeven or eight battalions?

A. Indeed I do not know. I think I ſaw Majo General *Scheele* there at that time.

Q. Was Prince *Ferdinand* with them at that time

A. No, I did not ſee the Prince.

Q. Do you know where the Prince was at th time?

A. No.

Q. How long did Capt. *Winſchingrode* ſtay wit Lord *George Sackville?*

A. I think I have already anſwered, a few mi nutes.

Gen. *Leighton.* At the time Lord *George Sackvil* was with Prince *Ferdinand*, do you apprehend th enemy had given way; there is a difference betwee giving way, and the engagement ceaſing?

A. I do not remember to have heard any thin about that.

Colonel Hotham *called in again.*

L. *G. Sackville.* Do you remember any motio made by the firſt line from Capt. *Winſchingrode* coming to me, till Capt. *Legonier* delivered his or ders?

A. I do not remember any particular enough t have ſtruck me.

Q. Do you remember Capt. *Legonier*'s coming t me?

A. I do.

Q. What orders did he deliver to me?

A. That his Serene Highneſs ordered the cavalr to advance, and he added the enemy is retiring, o in confuſion, I do not know which was the expre ſion, the one or the other, to that purpoſe, *et vous prie d'gn profiter*, is the expreſſion I remember.

Q. What did I do upon that?

Q. Lor

A. Lord *George* ordered the troops immediately to draw their ſwords and move forwards.

Q. Did you ſee Col. *Fitzroy* arrive?

A. I did not.

Q. Where was you ſent?

A. Lord *George* ſent me to look to the ſecond line.

Q. What were they doing when you went there?

A. The left of the ſecond line, if I remember right, though not in march, were in motion.

Q. Who was with them?

A. I ſaw my Lord *Granby* at the right of the ſecond line, and Capt. *Winſchingrode* ſpeaking to him.

Q. Did you go to Lord *Granby* then, did you ſpeak to him?

A. I did not, becauſe I preſumed Capt. *Winſchingrode* was giving him orders, and therefore I returned to the firſt line.

Q. Did you find me there?

A. I did not.

Q. When did you join me again?

A. I did not meet his Lordſhip again, till he was upon his return from his Serene Highneſs as he told me.

Q. What happened then?

A. The cavalry of the ſecond line (I believe it was then) they were then forming, and all I can recollect of it is, that they marched and formed as they marched, till they arrived to the rear of ſome *Hanoverian* infantry, where they halted.

Q. Did you ſee the firſt line form up with the ſecond?

A. At the moment of my joining, my Lord, I do not recollect to have ſeen the firſt line; but I ſaw them afterwards as they moved on.

Q. Were they formed with the ſecond line afterwards in one line?

A. The two lines were formed into one line when they halted, in the rear of the *Hanoverian* infantry.

Q. Did you ſee Lord *Granby* bring me any order that day?

A. I did not.

Q. Do you remember our making any halt upon upon the heath, when we began to march after forming, till we got to the rear of the *Hanoverian* infantry, from the one time to the other?

A. I believe there were now and then occaſional halts to dreſs the line, but I do not remember any in particular.

Q. Do you remember my giving any orders for halting the line in their march?

A. I do not remember Lord *George* did.

Q. Did you carry any, and what order to Lord *Granby*, after we were in the rear of the *Hanoverian* infantry?

A. After we were in the rear of the *Hanoverian* infantry, my Lord *George* ordered me to ſtop Lord *Granby*, upon the cavalry's making a movement to the right, or upon an order being given for the ſecond line to form upon the right of the firſt, I do not recollect which.

L. *G. Sackville.* I ſhall now aſk a few queſtions of the Adjutant General about the orders.

Q. Have you the orders of the 2d of *Auguſt*, the day after the battle?

A. I have.

Q. Are the Prince's thanks in theſe orders given perſonally to General *Wangenheim*, or only to the corps of troops under his command, without taking any notice of the General?

A. To his corps.

Preſident. L. *G. Sackville*, I do not know what uſe you will make of this evidence; it is nothing to our preſent purpoſe.

L. *G. Sackville.* Sir, it is to ſhew that an omiſſion of that kind to one officer or another, is not always meant as a very great ſign of delinquency.

Preſident. I thought yeſterday we had agreed to confine ourſelves to the point of obedience or diſobedience of orders; who Prince *Ferdinand* thanked, is matter that does not come before us.

L. *G. Sackville.* If I could prove by theſe orders, that my not being named in them (which ſeems to imply a cenſure) was not ſingular to me; it is ſome proof that Prince *Ferdinand* did not think me guilty. If I could prove that the day after the battle, there was no ſuch imputation upon me, I think it a matter in my favour.

Judge Adv. If L. *G. Sackville* can ſhew that by any other means than theſe orders, I ſhould think it would be better.

L. *G. Sackville.* Nothing in my apprehenſion ſhews the opinion of a General better than his orders, they are publiſhed, they are his public acts.

If I had aſked Col. *Hotham*, what he thought was the meaning of it, or had offered to draw an inference from it, you might have ſtopped me. He is not to conſtrue the order; he is a witneſs in poſſeſſion of the order, I have a right to aſk what the order is, I may apply it, and I ſhall apply it hereafter, I ſhall urge that as a proof, that though I may appear here under a very great accuſation, that he did not think ſo then; I believe I could prove by letters and other things, that he did not think he had done what he has done.

Judge Adv. It will certainly be incumbent on Lord *George*, to ſhew the whole; if he thinks it material, the order muſt be produced.

L. *G. Sackville.* I want to ſhew the ſtate of other people as well as myſelf upon theſe orders; I ſhall follow that with another queſtion.

Col. Hotham *reads the order.*

Q. L. *G. Sackville* to Col. *Hotham.* Was Gen. *Wangenheim* in the Army when you left it, and employed as uſual?

L. *Rob.*

L. *Rob. Manners.* This is drawing a cenſure upo
Gen. *Wangenheim.*

L. *G. Sackville.* It is a thing well known, I wi
wave the queſtion.

Q. Upon the firſt march of the army after th
battle, what poſt was aſſigned me?

A. I believe Lord *George* led the ſecond line.

Q. Of the army.

A. Yes.

Q. Did I not continue leading the ſecond line o
the army for many marches following, and doin
all other duties according to my rank as uſual?

A. To the beſt of my remembrance Lord *George* did

Q. In what manner are orders given out to th
Allied Army?

A. At the ſame time that the Adjutant Gener
of the army gives them out in *German* to the Majo
of Brigade, and Aids de Camp, he gives them like
wiſe in *French* to me, as Adjutant of the *Britiſh*, an
I then give them in *Engliſh* to the *Britiſh* Majors o
Brigade, and Aids de Camp.

Q. Has any other nation an Adjutant General be
ſides our own.

A. I knew of no Adjutant General in the Army
but the Adjutant General of the army, and myſel
I recollect Major *Eſtoff* is aſſiſtant to the Adjutan
General of the army.

Q. Has the Prince Aids de Camp from the diffe
rent nations?

A. He has Aid de Camps from the *Britiſh*, th
Hanoverian and *Heſſian*; he has likewiſe *Pruſſian* Aid
de Camp, but none I think from the *Brunſwick* troops

Q. Do you remember after the *Britiſh* troop
joined the Allied Army in *Germany*, under the Duk
of *Marlborough*, whether any or all of the Prince'
German Aids de Camp were given out in orders in tha
capacity to the *Britiſh* troops?

A.

A. I do not remember any of his Serene High-ſs's Aids de Camp being then given out in orders, cepting Capt. *Legonier*.

Q. Do you rememember whether any of the ince's *German* Aids de Camp were given out in or-r to the *Britiſh* troops, as long as I remained in rmany?

A. I do not remember that any were.

Preſident. The Judge Advocate is ill, and not able go on.

L. G. Sackwille. I do not believe I ſhall trouble you ith any more evidence than Col. *Hotham*.

Then the Court adjourned till to-morrow morning at 10 *of the clock.*

HORSE-

HORSE-GUARDS, *Saturday, March* 29, 176

At a COURT-MARTIAL there held by Adjournment.

PRESENT,

Sir *Charles Howard*, Preſident, and the reſt of th Members, as yeſterday.

Eighteetnh Day's Sitting on Lord *Geo. Sackville*'s Trya

Lord *George Sackville* ordered into Court.

Evidence for the Priſoner continued.

Col. Hotham *called in again.*

JUDGE Adv. Lord *George Sackville*, have yo any more queſtions to aſk Col. *Hotham.*

L. *G. Sackville.* No.

Judge Adv. to the witneſs. What do you take to b the diſtance from the right ſquadron of *Bland*'s t the right ſquadron of the *Inneſkillings?*

A. That queſtion can be beſt aſcertained by com putation. If the Court deſires me to make it I will.

Q. Pleaſe to make the computation?

A. Suppoſing the ſquadrons thirty file each, whic I ſuppoſe was the extent of what they were that day This is ſpeaking by gueſs, allowing four foot to eac man. It is the only exact way to aſcertain th diſtance. I can only ſpeak by gueſs becauſe I do no know the ſtrength of the ſquadrons.

Q. D

Q. Do you not know the ſtrength of the ſquadrons?

A. No.

L. *G. Sackville.* I can inform the Court. The right ſquadrons were twenty-eight, the *Inniſkilling* twenty-five.

Judge Adv. I will wave that queſtion.

Q. What do you take to be the diſtance between the two lines. The firſt and ſecond line, when they were drawn up that day?

A. I do not know the exact diſtance between the two lines that day; but I ſuppoſe it might be about 300 or 400 yards.

Q. How many ſquadrons would have been left behind, if Lord *George Sackville* had marched immediately upon Col. *Fitzroy*'s coming to him, with the *Britiſh* only?

A. In anſwer to that queſtion, I beg leave to refer the Court to the diſpoſitions of march, I have already given in to them. I do not carry the diſpoſitions in my head.

(*Witneſs looks at the Diſpoſition.*)

A. Ten ſquadrons.

Q. In which line of cavalry did you march from the place where they were drawn up through the wood?

A. I did not march with them at all; I was ſent away to the ſecond line.

Q. Do you know, whether the cavalry when they wheeled and marched thro' the wood inclined to the rear, or marched directly forwards?

A. I know nothing of it.

Q. What were the *Hanoverian* regiments you ſpoke of?

A. I do not know what regiments they were, only that they were *Hanoverians*.

Q. Do you know whether they were battalions o
dered to ſupport the attack of the village of *Ha*
or not?

A. I do not know.

Q. Were they battalions?

A. I apprehend battalions. They appeared to
battalions.

Q. Do you know whether the Prince's orders
Lord *Granby* were previous to their halting in the r
of that infantry or not?

A. I know nothing of the Prince's orders to Lo
Granby.

Q. Were Mr. *Malhorty*, Capts. *Winſchingrode* a
Derenthall, and Col. *Fitzroy*, reputed Aid de Camp
Prince *Ferdinand*?

A. Col. *Fitzroy* was given out in orders as Aid
Camp to Prince *Ferdinand*.

Q. You mentioned Captain *Ligonier* yeſterday?

A. Yes, upon the junction.

The other gentlemen mentioned were, I apprehe
looked upon as ſuch in the army.

Q. Do you know whether Lord *George Sackv*
in the courſe of the campaign, obeyed orders receiv
from officers reputed to be Aids de Camp to Prin
Ferdinand, tho' not given out in orders?

A. I know nothing to the contrary.

Q. Do you know, whether the ſituation of the fi
or ſecond line of infantry was known to Lord *Geo*
Sackville, or thoſe about him, at the time of Capt. *W*
ſchingrode's bringing him his orders; I mean the fi
or ſecond line of the army at large?

A. I believe in part of my former evidence I a
ſwered that queſtion, it was aſked me, whether I kn
of Lord *George Sackville* being acquainted with t
ſituation of the infantry at that time; I believe
expreſſion was, I could not poſſibly take upon me
ſay, I can now only ſay, I cannot take upon me to
whether he did or not.

Q. Gen. *Cholmondley*. You have ſaid, you was preſent when Capts. *Winſchingrode*, *Ligonier*, and *Fitzroy*'s orders, were brought to my Lord *George*?

A. Only Capt. *Ligonier*'s.

Q. Do you think the going through the wood where the cavalry did go, or the going on forward by the windmill, would have been the ſhorteſt way for the cavalry to have got to the field of battle?

A. I was not with the cavalry when they marched thro' the wood, and of courſe I do not know what part of the wood they marched through, and can give no anſwer to that queſtion.

Q. Can you recollect the time between *Winſchingrode* coming to Lord *George Sackville* with the order, and the time of Lord *George Sackville*'s going to Prince *Ferdinand*?

A. The queſtion was put as to the time between *Winſchingrode* coming and *Ligonier*'s, I ſaid from five to ten minutes. I was aſked, if any incident happened that fixed the time, I ſaid no, I ſpeak from opinion only, I did not ſee Mr. *Fitzroy* arrive.

Q. L. *Rob. Bertie*. You ſaid yeſterday, that you ſaw Lord *Granby* with the ſecond line, and that you did not ſpeak to Lord *Granby*, as *Winſchingrode* was with him; did Capt. *Winſchingrode* ſpeak to you?

A. I have a faint remembrance of having met with Capt. *Winſchingrode* in the courſe of the day; but where it was, and what converſation paſſed between us, I really cannot remember.

Preſident. You marched with the cavalry to the rear of the line of infantry; do you think you was then in the rear of the army?

A. My idea of that infantry then was, that it was part of the line of the army.

Q. At the time of Col. *Ligonier*'s arrival, and telling Lord *George Sackville*, that the *French* were in confuſion, and he ordered ſwords to be drawn, do you know at the head of which ſquadron Lord *George Sackville* then was?

A. L. *G. Sackville* I think was then at the head of one of the ſquadrons of *Bland*'s, or the *Inniſkilling*'s; but I cannot take upon me to ſay which.

Q. L. *R. Manners.* Are you ſure that he was not upon the right of *Bland*'s?

A. I am by no means ſure of it, but I rather think not.

Q. Did you ſee Col. *Sloper* at that time?

A. I anſwered that. My expreſſion was, I do not recollect having ſeen Col. *Sloper* at all at that time.

Q. Might you not have heard Col. *Sloper* give the word march to his regiment, or ſay march, if he had given it loud enough?

A. As I cannot aſcertain the ſpot where Lord *George Sackville* then was, and as I do not recollect to have ſeen Col. *Sloper* then, I cannot give any anſwer to that queſtion.

Q. After Lord *George Sackville* had given orders for the march, did you hear any order from any officer for the regiment to march?

A. I do not recollect I did.

L. *Harrington.* Do you know what movement the cavalry made, in conſequence of the order brought by Capt. *Winſchingrode*, before Capt. *Legonier*'s arrival?

A. I anſwer'd that I did not.

Gen. *Cholmondley.* I am ſorry to detain Col. *Hotham*, but as he was conſtantly with my Lord *George* the whole day I think him an eſſential witneſs, from your own obſervation and attendance at that time I ſhould be glad you would inform the court, how far the orders brought by *Winſchingrode*, *Legonier*, and *Fitzroy*, were carried into execution.

A. I can give no anſwer as to the orders brought by Col. *Fitzroy* as I have ſaid, I did not ſee Col. *Fitzroy* bring any orders, and I cannot preſume to take upon me to be a judge how far any other orders may or may not have been obey'd.

L. *Har-*

Ld. *Harrington.* You was with Lord *George Sackville* when Capt. *Winſchingrode* came up to him, cannot you tell what Lord *George Sackville* did in conſequence of the orders?

A. I have ſaid, I did not know what Lord *George Sackville* did in conſequence of the orders.

Preſident. Lord *George Sackville*, have you any more evidence?

L. *G. Sackville.* I have none.

Preſident. Has your Lordſhip any thing further to offer to the court?

L. *G. Sackville.* Sir, I underſtood the other day that there was to be new evidence brought by the proſecutor to particular facts. At that time it went off on my objecting to it. I have heard no more of it ſince. If there is any other evidence to be offered, I ſhould be glad after that, of having an opportunity of making my remarks upon the whole to the court, that I may lay my caſe before them in the beſt manner I am able to ſtate it, for their determination.

The proſecutor offered to bring them in the middle of my evidence, that I might make my remarks. I did not deſire that indulgence; but I ſhould be glad to know whether the Judge Advocate intends to offer freſh evidence by way of reply, and then I ſhould be glad to be indulged after that, in offering what I have to ſay.

Preſi. Before you enter upon your defence, you would have the evidence in reply called.

L. *G. Sack.* Yes.

Judge Adv. I did apprehend, and could have wiſhed, that Lord *George* had mentioned to the court, how he would apply the evidence given in his defence, before I enter'd upon my reply.

If he is not prepared to do it now, the court will give him time; I have ſubmitted to the court what I propoſe to do.

His

His Lordſhip has ſaid, he has not heard any thing of it, ſince he could not. Now is his Lordſhip's time to apply his evidence, and after his obſervations, the reply will be the next thing.

L. *G. Sackville.* Sir, as to the former part of what the Judge Advocate propoſed, I gave an anſwer to it. I ſaid, I had no objection to the court's taking the written evidence and to have that confirmed; I told him that, without troubling the court with a ſecond *vivâ voce* examination, I would conſent to that method; ſo far I was ready to anſwer. The other part of it, I own, as it came rather as a ſurpriſe upon me, I did not care to give an anſwer to it, becauſe I had had no time to conſider of it.

I find upon my trial a queſtion propoſed of very great conſequence. I did not care at that time to give an anſwer to it. The natural inference is, that the court will go on, and afterwards conſider of it. My reaſon for deſiring the court to go on now is that I am deſirous of hearing all that is to be ſaid. As to the evidence I have given, I do not know how far the court will admit of evidence in reply to it, and ſuppoſe any thing is offered by way of reply that is new, it may be neceſſary for me to aſk for a rejoinder. I am frightened every time I talk of law; I am told, if the court lets the proſecutor in to new matter in reply, it will bring on a rejoinder, that is, to anſwer the new matter; if that is the caſe, I ſhall have the ſame indulgence that every priſoner has in any court of juſtice.

I have no reaſon to imagine, that I am not to meet with every indulgence that a priſoner can have. I do not know what this reply is, I thought the court was to proceed to the proof of the accuſation brought, then the priſoner's defence, and in ſome inſtances and to a few points a reply. I conſider that if the reply is to be gone into, many of the facts that appear to me doubtful, may be eſtabliſhed by the proſecutor, and many facts in my defence that

hat appear to me eſtabliſhed, may by the reply be made doubtful.

If the Court are to ſay, ſum up your evidence, I will do it, having time given me; but at the ſame time I aſk this, I aſk it as a matter of indulgence, and what I think I have ſome little right to expect that I ſhould hear the reply firſt.

It was formerly ſaid, that I ſhould be allowed to bring evidence to anſwer the facts proved in the reply.

Judge Adv. In order that the reply may be properly made, I ſhould be glad to hear what Lord *George* has to offer in his obſervations.

As to a rejoinder, it is common in civil caſes, if any new matter is introduced, the priſoner will have a right to anſwer that; I mentioned that particularly before.

I ſhould be glad his Lordſhip would not talk of law, I am not a military perſon, I do not really ſee why that ſhould be thrown out, I have not the honour of wearing a military garb; but I hope I have endeavoured to conduct the proſecution with tenderneſs and candour.

As to the reply it is agreeable to law, and practice founded in reaſon, that the proſecutor ſhould be at liberty to eſtabliſh the credit of his witneſſes, and to reply to any new matter introduced in the courſe of the defence.

If the credibility of a witneſs is to be impeached, and his credit not to be eſtabliſhed, I don't know to what purpoſe it would be to proſecute at all.

The credibility of the witneſs is attacked by mentioning that his Lordſhip will point him out in ſuch colours.—And in his defence he is mentioned as being obliged to ſupport the tale he has told, of not recollecting others that were preſent.

I do apprehend that the credibility of that witneſs is impeached, if his Lordſhip will ſay that he is as good a witneſs as any, then I will not deſire that his credit ſhould be eſtabliſhed.

L. *G.*

L. *G. Sackville.* Sir, I do deny that this is an im peachment of the credibility of a witneſs, that obſer vation of mine is impeaching his facts, I have im peached the facts of his evidence, not his credibility I have endeavoured to put him in the light he ap peared in to the Court. I have proved what I ſaid would prove. Theſe are facts, and any obſervation from facts that may happen to be made by a priſoner can never be impeaching the credibility of a witneſs ſo as to give a right to a reply to ſupport him.

Judge Adv. Sir, I do apprehend, that the proſecutor is at liberty to take off the reflections thrown upon the witneſs. And it appears that his credibility is im peached. Has not Lord *George Sackville* examined ſe veral witneſſes to prove, that at other parts of the day he had not the appearance that Col. *Sloper* has repre ſented? It is not to the ſame point of time, and there fore not applied to contradict the fact.

L. *G. Sackville.* You may ſay that as to every wit neſs, every fact attempted to be proved in ſupport o the charge, is contradicted by my evidence, and ſo ever witneſs produced by the proſecutor is impeached a well as Col. *Sloper*. It is an impeachment of the facts, is no impeachment of the perſons. Had I impeache his credibility, I ſhould have proved that Col. *Slope* was from his general character, not a proper man t be an evidence: I ſhould have proved his delin quency, and that he appeared ſo upon record; bu what is this that I have proved? It is an impeach ment of the facts. Is a witneſs's credibility impeache every time his facts are contradicted. There is n pretence for ſaying ſo.

If Col. *Sloper* is right, Capt. *Smith* is wrong; if Col. *Fitzroy* is right, others are wrong; and you may ſay of all the witneſſes, where are you to end Are you to try the credit of every witneſs who ha given teſtimony that is contradicted? Then ever officer that is brought to the bar, if his evidence contradicted, will he not have an equal right wit

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ol. *Sloper*, to prove to the court-martial, that his aracter is ſuch, that he would not ſwear falſely? s to the Judge Advocate, I wiſh, as he obſerves, e either wore a military garb, or were a perſon of ch eminence and reputation in the profeſſion of e law, as might entitle him to lay down the rules d practice of the courts of juſtice in ſuch a manr, as the priſoner might have no doubt of the uth of what was aſſerted to be law. I wiſh one of e judges of *England* was to ſit here, the priſoner en would be certain of being tried by the real ws of this land, and not by laws made occaſionly for him; I deſire therefore no middle term. he Judge Advocate is very able in his poſt, but I on't apprehend he knows the rules and practice of ourts in general. Here what do you do? If there a point of law, you refer to the Judge Advocate, hy? becauſe you don't know law, not becauſe he oes. I know as little; I uſed the word rejoinder, I ot it but the other day myſelf, and the Court ſeemed o ſtart when I mentioned it. When there is a difficulty you refer to the Judge Advocate, who is to etermine; other courts never determine in any natter without the advantage of being informed of hat can be offered on both ſides; this Court ignoant themſelves of a matter of law, can only reeive their information from the proſecutor. I have great reſpect for Mr. *Gould*'s character as Judge Advocate, and think he ſits there, and executes his office as ably as any man I ever ſaw in his place. I muſt deſire the opinion of the Court, whether t is impeaching a witneſſes's character to make obervations upon his evidence. If I have contradictd his facts, I have a right to ſay ſo. If I had aid any thing to his general character, it would ave been another thing; but with reſpect to the acts Col. *Sloper* has mentioned, I have a right to all them by every name I think proper.

His credibility as a witneſs, is no more attacked tha that of any other witneſs who has given teſtimony equally contradicted with his.

I hope the Court will not make a precedent, whic hereafter they may think not right, and that the will not ſuffer the point of credibility to be conſtrue in the way it is now intended.

Judge Adv. Sir, I apprehend it is the attackin the credibility of Col. *Sloper*, that has led Lor *George* into the evidence he has offered.

As to the uſe made by his Lordſhip of the evi dence given by ſeveral people, with regard to hi perſonal appearance, is it to diſprove the fact? No It is a different time, that cannot diſprove the fac Col. *Sloper* has mentioned, becauſe it is at a diffe rent part of the day.

His Lordſhip's mentioning, that he is obliged t ſupport the tale he has told, and other circumſtan ces in his defence, it is plain what that tends to You will judge upon the whole, whether the credi bility of Col. *Sloper* as to his evidence is attacked if it is not attacked, I will give up the reply; if i is attacked, then I ſhall have leave to reply.

I ſhall do it, by ſhewing that Col. *Sloper*'s remark are not peculiar to himſelf, with reſpect to Lor *George Sackville*'s appearance; but that the ſame wa obſerved by others at other times of the day; an with regard to the probability of what he has ſaid I ſhall ſhew that he is conſiſtent, and even at th time he mentioned the ſame obſervations he has no made, and that he told the ſame, previous to the or ders given out next day.

As to the former part of the objection, it is a invidious ſubject, and improper for the public t run away with; it was for that reaſon I propoſed i ſhould come on early, that his Lordſhip might hav an opportunity of anſwering it.

It is only an incidental circumſtance not directl to the charge. His Lordſhip has aſked it of all hi wit

witneſſes. In anſwer to that, I ſhall ſhew that others made the like obſervation, and conſequently that it is probable.

I was inſtructed early, that two of the witneſſes for the proſecution would ſpeak to this point; I ſubmit it to the Court whether I examined them. Now ſhould a witneſs be examined, who ſays he has made the ſame obſervations, I do not think it a circumſtance at all material to the charge, only to eſtabliſh the credibility of Col. *Sloper*.

Another thing his Lordſhip has mentioned, that he ſhould be at liberty to anſwer any new matter that I may offer.

His Lordſhip has offered new matter, which is, that he was not at the place I have proved him to be. Now I ſhall be intitled to carry him back to the place Col. *Sloper* has mentioned. That is a thing that could not be foreſeen, I thought it in the firſt place material to reply to that.

As to the artillery paſſing, that being a circumſtance introduced in the defence, and not before, I'm at liberty to reply to that. That is the ſubſtance of the evidence I mean to offer, and upon which I deſire the opinion of the Court.

L. *G. Sackville.* Sir, if any one member of the Court-martial will ſeriouſly reflect within himſelf, and ſay whether that part of Col. *Sloper*'s evidence which has been mentioned, does or does not affect me, and will agree that it does not, then I have nothing more to ſay upon the ſubject of that evidence.

For the ſake of the precedent it would make, I might ſay ſomething, becauſe every witneſs whoſe character may be ſaid to be impeached in a controverted proceeding, will by this means have an opportunity of bringing in freſh evidence of freſh facts, and the priſoner muſt ſtand a ſecond trial upon the ſame charge. As to my own part, if the Court thinks fit to admit it, let them ſay that this does

not affect me; let them ſay that the credit of the wi
neſs, is impeached by contradicting his facts, let the
ſay that ſuch is the practice of Courts Martial, I ſha
lament the ſtate of thoſe who are to be tried by Cour
Martial; but with regard to myſelf, it is impoſſib
for me to object to the determination. What I ha
proved is the ſhewing the opinion of thoſe about m
to whom I gave orders, with whom I was during th
whole day, that is a direct contradiction of the fac
it includes the time of which Col. *Sloper* ſpeaks, th
evidence now offered is not to ſupport this fact, it re
lates to another time.

Indeed the Judge Advocate has ſaid, it is not ma
ter for the court, but for the public, it is ſo. It
food for clamour, for which reaſon I wiſh to ſee th
bottom of it. I ſhould not have ſtood here a priſo
ner at this bar, if I had been afraid of any thing th
could be ſaid, conſcious innocence is my ſupport.

Notwithſtanding all that I have ſuffered, that in
nocence ſtill ſupports me. I feel myſelf injured, an
I know myſelf innocent: I feel myſelf before a Cour
that is to puniſh the guilty, but the moſt amiable pa
of their juriſdiction, is to protect the innocent.

I have confidence in every ſet of gentlemen, wh
are upon oath to do juſtice; no gentlemen can be un
der any influence.

In this Court a priſoner has an additional ſecu
rity; he is ſure, their honour will bind them, if th
oath did not; ſtanding under that ſecurity I defy th
proſecutor.

Let Col. *Sloper* ſtand forth from a witneſs becom
the agent of a proſecution. Let his character be ſup
ported by the teſtimony of opinion. Opinion no
founded upon facts, will only ſhew a readineſs to form
an opinion to a man's diſadvantage. It is not proof
it is not a foundation for a Court of juſtice to deter
mine upon; it could not be brought here, but with
another intention.

If the Court will eſtabliſh the precedent I ſubmit; but out of regard to the profeſſion I once was of, I oppoſe it.

Permit me to ſay, when I take my leave of the profeſſion, that though I ſhall ſubmit to the deciſion of the court, I ſhall lament the juriſdiction.

Judge Adv. Sir, I hope the witneſſes brought in ſupport of the proſecution, ſhall alſo have the protection of the Court.

To hear of a witneſs turning an agent for the proſecution is not right. I ſhould be glad to know whether Lord *George Sackville* objects to going into proof touching the *alibi*.

L. *G. Sackville.* Sir, I have heard that a reply to the *alibi* is proper to be gone into, if ſo, I ſubmit to it, all that I beg is, that the law may be fixed. Let me know what the laws are, and I am content.

If this is an impeachment of Mr. *Sloper*'s credibility, if it is a matter that no way relates to me, if Mr. *Sloper* at his own deſire is to be re-eſtabliſhed by freſh witneſſes. Let it be ſo.

I always underſtood that the opinion, the deciſion, of a Court Martial was according to the motive that influenced the perſons accuſed. If I diſobeyed orders from a bad motive it is highly criminal, if I diſobeyed from negligence it is criminal, if I did it, from not having the clearneſs of head that is required, I am to be pitied.

As to what has paſſed in reſpect to Col. *Sloper*, when you hear all what will it amount to. He ſhewed a conſciouſneſs of guilt; he looked pale; he was ill dreſſed, that might be the caſe, and I believe was ſo that day.

I do only wiſh to have it determined by the Court. Let me know that this is law, that this is an impeachment of the credibility of a witneſs, and I have done.

In regard to the *alibi*, I can have no objection. In regard to new matter ſtarted in the courſe of the defence, common ſenſe ſays there muſt be a reply; the proſecutor could not know of it; if that is ſo,

I ſay

I ſay no more: but if you are now to eſtabliſh fact attempted to be proved in the outſet, and yo are to have new evidence under pretence of eſta bliſhing credibility, I oppoſe it; I never will giv it up; I never can till the Court determines it othe wiſe; when they have determined it otherwiſe, the I ſhall ſay, that the Court is the beſt judge of law regard to me a priſoner: but to ſay that I am con vinced, is another thing, reaſon only can convince all this I may ſay before the determination: when is determined, I ſtand here ſubmitting to your judg ment, perhaps concerned and ſorry for the prec dent, but in regard to myſelf a willing ſubmitter.

To return to my own demand, it is that I may b permitted to ſay what I have to ſay when the reply over, to apply my evidence to ſhew the ſtrength my caſe; if I am brought back to where Col. *Slop* placed me at firſt, I imagine it is to be by the repl I aſked the indulgence of being heard after the repl was over; it is not the only indulgence that has bee granted; I laid in my claim to it.

Judge Adv. I never offered to go into the whole only the invidious part, and then to hear his Lord ſhip's obſervations.

All parties ordered to withdraw.

In an hour and an half the Court was opened.

Preſident to L. *G. Sackville.* The Judge Advocat will read the reſolution of the Court.

Judge Advocate *reads it* (*Subſtance.*)

Lord *George Sackville*, the Court have had fully un der their conſideration the queſtion your Lordſhi propoſed.

They are of opinion not to admit any new witne ſes to be called to prove, that Lord *George Sackvil*

appeare

ppeared to them to be alarmed in corroboration of ol. *Sloper*'s Evidence, becauſe that appears to be a ircumſtance which may materially operate, in ſup- ort of the charge.

They are of opinion to admit evidence to prove ol. *Sloper*'s having declared theſe facts the day after, r in a ſhort time after the battle; the credibility of is evidence appearing to be in ſome degree im- eached by Lord *George Sackville.*

Judge Adv. I ſhall now go through the evidence, hat Col. *Sloper* ſaid this the day after the battle; hen his Lordſhip will make his obſervations, and hen I ſhall produce evidence to carry him back to he right of *Bland*'s.

Preſident. Lord *George Sackville*, if you pleaſe, we ill begin with calling evidence as to Col. *Sloper*'s eclaration.

Evidence for the Crown.

Lord Granby *called in again.*

Judge Adv. Pleaſe to inform the Court, whether Lieut. Col. *Sloper* within a ſhort time after the action f the 1ſt of *Anguſt*, related to your Lordſhip any hing about the order which Lord *George Sackville* re- eived, in Col. *Sloper*'s hearing, and his opinion rela- ive to Lord *George Sackville*'s obeying or not obeying hoſe orders?

A. A day or two after the battle (I cannot exactly ell what day it was, it was ſoon after) Col. *Sloper* old me that *Winſchingrode*, *Fitzroy*, and *Legonier*, I don't know how he placed them, he mentioned hree officers) had come with orders for Lord *George ackville* to march and form a third line, to ſupport he foot, ſomething to that purpoſe (I don't recollect xactly the words that were ſaid) and that he did not bey them, ſomething to that purpoſe; to the beſt of y knowledge he ſaid, Lord *George* was in a hurry,

and

and confuſed, ſomething to that purpoſe, I don't remember the exact words.

L. *Harrington.* Did Col. *Sloper* mention this before the Prince's thanks were given out in orders?

A. I cannot poſitively ſay whether it was that morning or not, but to the beſt of my recollection it was that day; it was in the morning that I ſpoke to him, I cannot poſitively ſay whether it was that day or not.

Preſident. Lord *George Sackville*, ſhall you have any more queſtions to aſk Lord *Granby*?

L. *G. Sackville.* No.

Judge Adv. The next is Col. *Harvey.*

L. *G. Sackville.* Sir, I do not know how far Col. *Harvey* can be called, as he was preſent in Court when Col. *Sloper* gave his teſtimony.

Judge Adv. Sir, it is not more the law of this Court than it is of any other Court, that the witneſſes ſhould be out of Court; at that rate there would be no evidence in reply; nobody can tell who they will call in reply, before the evidence is heard: as ſoon as it appeared that a reply would be neceſſary, I ſent to Col. *Harvey*, and ordered that he ſhould be ſummoned ſince which he has not been here: I have attended full as many Courts Martial where the witneſſes have been kept in Court as out of Court.

Preſident. Lord *George Sackville*, I do not know whether you will inſiſt on this as an objection.

L. *G. Sackville.* Sir, I cannot ſay I ſhould ſuſpect Col. *Harvey* to be led in his opinion, by his not being kept out of the room, and I wiſh the Judge Advocate had not prevented his hearing the defence, ſince he has heard the charge; as to Col. *Harvey*, his teſtimony will be exactly the ſame as if he had been out of Court; I mentioned it meerly to know what the practice is, and in what caſes it would allow a witneſs being called who had heard the others examined, I did not mention it as an objection to Col. *Harvey.*

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Col. Harvey *called in and ſworn.*

Judge Adv. Pleaſe to relate to the Court what Col. *Sloper* related to you ſoon after the battle of *Minden*, and how ſoon, about the order delivered to Lord *George Sackville* in his hearing, and his opinion relating to Lord *George Sackville*'s obeying theſe orders, or not obeying them?

A. On the ſecond of *Auguſt* about 2 or 3 o'clock, I returned to camp with a detachment, and meeting Lieut. Col. *Sloper*, I expreſſed my concern ſtrongly to him, that the cavalry had not had a ſhare of the glory the day before, and aſked him how it came about. He replied by the miſbehaviour of Lord *George Sackville*.

(I muſt beg leave to ſay that I do not pretend to remember the words, but the facts were ſo ſtrong it is impoſſible for me to forget them.) On further inquiry, Lieut. Col. *Sloper* told me, that the Aids de Camp of the Prince had delivered orders to Lord *George Sackville* for a movement of the cavalry, to be made to the left, in order to ſuſtain the infantry, and that on a heſitation to the obedience of that order, he had himſelf ſaid to Lord *George Sackville*, that the order received could mean nothing, but a movement to the left; that he obſerved perſonal confuſion, and that inſtead of the order being complied with, time was trifled away. This is the purport of the converſation; there were many more things you may imagine paſſed in diſcourſe.

Q. Do you know whether this converſation was had before the orders came out for a *feu d'joy?*

A. I cannot exactly anſwer to the time; but it was above an hour before our regiment received the order.

Col. Hervey *diſcharged from any further attendance, and other witneſſes diſcharged.*

Judge Adv. I have one more witneſs to this, but h is connected in another point of the reply.

L. G. *Sackville.* I ſhould be glad to know when i is done, becauſe of my obſervations.

Col. Ligonier *called in again.*

Judge Adv. You ſaid in your former evidence that you delivered an order to Lord *George Sackville* a the right of *Bland's?*

A. At the head of the right ſquadron of *Bland's.*

Q. Do you remember ſeeing Col. *Sloper* near whe you delivered your orders?

A. Immediately after having delivered my orders I not only ſaw, but ſpoke to Col. *Sloper.*

Q. Did Col. *Sloper* take you aſide, or take you b the arm?

A. He leant upon my arm.

Q. Pleaſe to relate what converſation paſſed, if any

A. Col. *Sloper* deſired me to repeat my orders t Lord *George*, and added, that *Winſchingrode* had de livered the ſame orders half an hour before.

Q. Relate all that was ſaid by Col. *Sloper?*

A. Col. *Sloper* then ſaid, you ſee the condition h is in; I anſwered yes.

Q. You are only to mention what Col. *Sloper* ſaid is that the whole?

A. He ſaid repeat your orders to Lord *Georg Sackville*, that he may not pretend not to underſtand you; he has received the ſame order half an hour ago from *Winſchingrode*, or words to that effect.

L. G. *Sackville.* In what ſenſe do you mean th word condition; you ſee the condition he is in.

Judge Adv. My Lord, it is my duty to inform you that the anſwer to that queſtion may make againſt yourſelf.

Witneſs. That Lord *George* was perplexed, *I cannot ſay why confuſed.* *Col.* Fitzroy *had delivered his order*

for

for the Britiſh *cavalry to advance before this converſation paſſed between Col.* Sloper *and me.*

L. *G. Sackville.* Three orders were then ſubſiſting.

Judge Adv. My Lord, you muſt not obſerve upon the evidence.

Q. Do you apprehend that confuſion meant a perplexity in orders, what did Col. *Sloper* mean by confuſion?

A. He really did not explain it to me what he meant. He obſerved he was confuſed, I do not know from what motive he judged.

Preſi. Lord *George Sackville* having gone through all your evidence; what time do you think you ſhall be ready with the ſumming up?

L. *G. Sackville.* Sir, after a fortnight's evidence, and the little ability I have to ſum up evidence, I ſhould deſire all the time that is proper. If the Court would fix the time, I would endeavour to be ready; I ſhall not be ready on *Monday.*

Then the Court adjourned to Wedneſday next at 10 *of the Clock.*

HORSE-GUARDS, *Wedneſday, April* 2, 176

At a COURT-MARTIAL there held by Adjournment.

PRESENT,

Sir *Charles Howard*, Preſident, and the reſt of th Members as on *Saturday* laſt.

Nineteen Days Sitting on Lord *Geo. Sackville*'s Tria

Lord *George Sackville* ordered into Court.

PRESI. Lord *George Sackville*, is your lordſhi ready with your defence?

L. *G. Sackville.* Sir, I took the liberty of mentio ing by a letter to the Judge Advocate that as th proceedings was extremely long, and the unexpecte illneſs of a gentleman with whom it was neceſſary fo me to conſult, had retarded me: I ſhould have bee glad of another day, but when I found that othe buſineſs made it neceſſary for the Court to ſit to da I have gone through it, though I have not prepare the obſervations on the evidence ſo correctly as could have wiſhed.

Preſi. I ſhould have acquainted your Lordſhip tha the Court would have given you another day.

L. *G. Sackville* reads the defence.

I am now come to that period, when the influenc of prejudice can no longer affect my caſe, when th true ſtate of it will at length be laid open, and ever ma

man may form a judgment, not from any partial representations, but from his own reaſon and conviction. This is the point to which I have always wiſhed to conduct it, and to attain which I have ſollicited a trial.

The difficulties which attended the granting that trial are ſufficiently known, and I have now the pleaſure of expreſſing the ſatisfaction it gives me that they were not inſiſted upon. I hope I have ſhewn already my ſenſe of that favour, by contributing every thing in my power to facilitate the proceeding. I endeavoured to reduce my examination of the witneſſes to a few particular points; I have troubled the Court with no unneceſſary objections, and in deference to them, I have willingly given up the calling witneſſes to any collateral points. If in any inſtance I have given the Court the trouble of hearing an objection, it was not ſo much from the intention of objecting, as from an apprehenſion leaſt my deſire of being tried ſhould eſtabliſh a method of trial that might hereafter prove fatal to the profeſſion to which I had the honour to belong, and for which I ſhall ever retain the ſincereſt regard. I ſhould have deſerved worſe of my country had I ſuffered ſome things, that your reſolutions have condemned, to paſs by my ſilence into precedent; than if I were convicted of the worſt crimes, that the malice of my enemies ever dared to impute to me. Whatever was peculiar to my own caſe, I have never ſuffered to become the ſubject of the leaſt doubt; the Court knows that I at once admitted my commiſſion and inſtructions without being read; nor ever deſired to know by what authority or commiſſion the troops of *Great-Britain* became ſubject to the orders of Prince *Ferdinand*.

The attention of the Court to my caſe gave me the utmoſt ſatisfaction, and I cannot omit expreſſing my ſenſe of the patient hearing they have given to ſo long and tedious an examination.

I ſaid

I ſaid at firſt that I ſhould lay before them the whole ſtate of my caſe as it appeared upon the evidence for and againſt me. The great length to which the evidence has run obliges me to trouble them with a very long narrative, in which I ſhall ſtate all the facts; refer to the evidence in general, where there is not much diſpute; and where there is, I ſhall ſtate the evidence more particularly. After the facts are all eſtabliſhed, I ſhall then ſubmit to the Court a few obſervations upon them. In my narrative I am obliged to begin at the ſame period with the evidence in ſupport of the charge.

Immediately upon the army's marching into the camp at *Hille* on the 29th of *July*, the Generals were required in the public orders to reconnoitre the nine debouchers leading into the plain of *Minden*, and I was at the ſame time appointed Lieutenant General of the day. In that duty I attended at head quarters all the morning of the 30th, and remained there till I went in the afternoon to relieve Lieut. Gen. *Imhoff* in the command of the picquets of the army. The next day in viſiting the poſts of the picquets I reconnoitred the ground as far as an officer of my command ought in duty to have gone. The Prince of *Anhalt* relieved me about five in the evening, and in my return to head quarters to make my report, I ſent off Col. *Watſon*, Deputy Quarter-maſter General, and Capt. *Smith*, with directions to reconnoitre the avenues from the camp into the plain of *Minden*, that I had had no opportunity of viſiting. I remained ſome time at head quarters to make my report, and when I arrived at my own, Col. *Hotham*, Adjutant General of the *Britiſh* troops, brought me the order that had been given only at ſix o'clock that evening (the ſuppoſed neglect of which was made the introduction to the charge againſt me) for the troops to be in readineſs at one in the morning, the horſes of the cavalry to be then ſaddled, but not to ſtrike tents, or march till further orders, and for the Generals to make themſelves

lves acquainted with the avenues leading from the amp into the plain of *Minden*. The orders concern-g the troops he had ſent to the brigades, thoſe re-ting to the Generals I had already anticipated, as r as the duty of the picquets would permit me to connoitre, and the night made it impoſſible for me o do more.

Neither theſe orders nor any other circumſtance at hat time could give me the leaſt ſuſpicion of an en-agement next morning. The orders for ſaddling ad been frequently given to the army for a fortnight efore, and the ſilence of the Prince when I reported o him the ſtate of the picquets where every thing as quiet, left me no reaſon to imagine that any ſigns f the enemy's intending to attack us had appeared hat afternoon.

Between five and ſix in the morning, I was waked y the firing of ſome cannon on the right of the camp; o orders had been ſent to me, nor had I any reaſon o imagine that the order to ſtrike tents and march ad been ſent to the line; ſoon after I had a meſſage rom Gen. *Sporcken* that the troops were getting under rms, and before my horſes were brought out, Major *tubbs* came to me from the line. I immediately alloped up with him, without even waiting for any f my Aids de Camp, and had the good fortune to e at the head of the cavalry before any other gene-al officer of that diviſion had joined them; I call it y good fortune, becauſe it might have happened n the confuſion of that morning to me, as it did to ther people, not to have been ſo early at my poſt; nd yet I think I ſhould not have deſerved any blame rom H. S. H.

When I came up to the line all was ready for the arch, and the infantry, which I paſſed, not more eady than the cavalry; I had no reaſon then to en-uire, whether the orders ſent to the brigades for ſad-ling at one had been obeyed: it is certain now that ey had; but though they had not, yet as the ca-

valry

valry was equally ready with the reſt of the army, ſhould not have choſen to have thrown upon the fiel officers, whoſe duty it was to attend to the immediat execution of ſuch orders; the charge of neglect i this duty, which has ſince been ſo unjuſtly imputed to me.

I immediately formed the cavalry in column, an as the guide appointed for it was arrived, I marche a conſiderable time before the orders to march, whic amidſt the hurry of the morning had ſome how mi carried, were delivered to Col. *Hotham*. Upon th march, the other Generals and my Aids de Cam came up. Major *Eſthoff* ſoon brought me an order t form into ſquadron, which was done directly. Th march proceeded after this at ſuch a pace as was pro per for bringing the whole column up in good order the account given of it by Capt. *Smith*, the only wit neſs who ſaw the line paſs, proves that the ſquadron were hurried in the rear, yet I am accuſed by on witneſs of the ſlowneſs of this march; a ſtrong in ſtance how imperfect a repreſentation is commonl given of each circumſtance of an action, when offi cers attached by their duty to a particular poſt, pre tend to form an opinion of what is, or may be don in other places.

The circumſtance is otherwiſe of no moment, fo in ſpite of the confuſion of orders the cavalry arriv ed at its ground a conſiderable time before the co lumn of infantry had entered the plain. With what ever promptitude then H. S. H's orders were obeye by the reſt of the army, I muſt beg leave to ſay, tha the cavalry of the right wing under my comman was intitled to equal praiſe.

The guide who conducted the column was order ed to lead it to the windmill near *Halen*, as we wer marching thither, Capt. *Malhorti* came up, ordere me to form in two lines, which was immediately don near the village of *Hartum*, and to wait there for fur ther orders.

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The cavalry had then upon its right the village of *Hartum* and incloſures, which run cloſe upon the flank of the lines; on its left a long wood, and the country only open to the front, where the windmill, our original point of deſtination, ſtood; the particular ſpot where we firſt halted was too narrow to contain the front; and Capt. *Smith* having diſcovered that the ground widened to the right in the front, I advanced a little forwarder, and there halted again. I was by no means ſatisfied with this ſituation of the cavalry, thus ſeparated from even the view of the reſt of the army, hemmed in on both ſides, and likely to be expoſed during this Inaction to ſome batteries of the enemy; while I was waiting impatiently for orders to advance, Capt. *Williams* of the artillery came to me from Capt. *Philips*, to acquaint me that the heavy brigade of artillery had marched from its ground without any orders, and deſired to know, if I had any particular directions for them. As I imagined they might have been forgot in that hurry, which always attends the ſurprize of an army, and was certain there could be no deſign of leaving the *Britiſh* artillery behind, I took upon me, without ſending to his Serene Highneſs to order them to advance in front, where I did not doubt they would find employment, and where afterwards they did ſuch ſignal ſervice; the only way they could advance was by following the *Hanoverian* artillery along the left flank, through the intervals of the cavalry till they came into the wood. Every circumſtance of my ſituation at that time, when I was left to form the beſt judgment I could of the ſtate of affairs, conſpired to perſuade me that the cavalry could have no way to act but by moving forward. The intelligence of the guide, the difficulties of the ground towards the right and left, and the knowledge I had, that the ground beyond the windmill, which I had reconnoitred, was open and extenſive, all led me to this ſuppoſition. The firſt object that appeared to me was a body of infantry in the

front towards the right, which for a little while wa
cannonaded by the enemy, but ſoon afterwards mad
a movement to the village of *Halen*, and ſeemed be
ginning to attack it, I immediately concluded that th
future operations of the cavalry might depend upo
the ſucceſs of that attack, and therefore ſent Lieu
Sutherland to reconnoitre it, but ſoon after that Cap
Winſchingrode came up to me full gallop, and in gre
haſte delivered me an order in *French*; his hurr
made him expreſs it indiſtinctly, and I deſired him
repeat it; and he then ſaid, as I underſtood, "Th
"it was the Duke's order to form the cavalry in or
"line, making a third to ſuſtain the infantry, and
"advance." I had no difficulty to comprehend th
general intention of this order, when it was repeated
as it agreed with every obſervation I had been able
make. The attack of the village of *Halen* by ou
troops, the firing chiefly in front, an open countr
there, incloſures and obſtructions upon every oth
quarter, made it impoſſible for me to doubt, that th
intention of the orders was that the cavalry ſhou
move forwards, which indeed the word advance ſuf
ciently of itſelf expreſſed. Cap. *Winſchingrode* havin
repeated his orders, gallopped off; and I immediate
made the diſpoſitions neceſſary for putting the ord
in execution.

I am obliged here to interrupt the courſe of my na
rative, in order to conſider the ſeeming contradictio
of the evidence with regard to the ſtate of Cap
Winſchingrode's order. I have ſaid only the ſeemin
contradiction, becauſe I think Capt. *Winſchingrode*
account of theſe orders may be reconciled to that give
by the witneſſes in defence, and I think myſelf o
liged in juſtice to the candor that gentleman d
covered on his examination, to endeavour to give t
Court the ſatisfaction of clearing up the obſcurity th
hangs over that part of his evidence.

Col. *Hotham*, Cap. *Hugo*, Lieut. *Biſſet*, and Cap
Broom, have all ſtated the order which they hea
Cap

Capt. *Winſchingrode* deliver; Capt. *Lloyd*, who came up while Capt. *Winſchingrode* was with me, has ſtated that he underſtood from the people about me at that time, to have been the order delivered; all theſe five gentlemen took the ſenſe of the order to be the ſame as I have ſtated it, to form the cavalry into one line, as a third line to ſupport the infantry, and to advance.

Capt. *Winſchingrode* does not remember the words he uſed in delivering his orders; he told the Court that he communicated the orders of his Serene Highneſs as they were given to him, before that he had ſaid that his Serene Highneſs had ordered him to give orders to me to advance with the cavalry of the right wing to ſuſtain the infantry which was going to be engaged; and that afterwards the Duke of *Richmond* joined him after he had gone a few paces, and added from his Serene Highneſs that he ſhould tell me, to form with the cavalry of the right wing upon the heath in a third line behind our regiments: theſe are the orders, the ſenſe of which, as he ſays, he communicated to me, and the order which ſo many Gentlemen remember delivered to me, is expreſſive of the general ſenſe of theſe a little more particular, but not all contradictory to them. But Capt. *Winſchingrode* proceeded to ſay, that I did not ſeem to underſtand his orders, but aſked him how that was to be done, and that he explained to me, that I was to paſs through the trees to the left, and then to form, and that I aſked him again ſeveral queſtions how that was to be done, and he repeated to me what he had been ſaying. Five Gentlemen preſent did not hear this explanation, Col. *Hotham* thought the orders required no explanation, Capt. *Hugo* was convinced that I underſtood the orders, and perſuaded by the orders given to him that I was going to put them in execution: all the five agree that the orders were repeated, and that they never heard them otherwiſe explained, than by repeating them. Capt. *Winſchingrode* does not remember that

he repeated his orders; and it is very natural to ſup-
poſe, that what he now takes to have been an ex-
planation of his orders, was only the ſecond relatio
of them, which all the witneſſes heard.

This accounts very eaſily for the ſeeming contra-
diction in Capt. *Winſchingrode*'s depoſition, and prove
what was ſaid at firſt, that there would be no occa-
ſion to call his veracity in queſtion; but had that bee
the caſe, there is no doubt that more credit ough
to be given to the teſtimony of many witneſſes ſwear-
ing to the words they heard, than to the teſtimony o
one ſwearing to the words he ſpoke, ſuppoſing eve
that Capt. *Winſchingrode* had remembered his expre
ſion, which he does not. I need hardly take notic
of the queſtions that were put to theſe gentlemen o
the croſs-examination, with a deſign to ſhew tha
Capt. *Winſchingrode* might have added an explana
tion that they did not hear; for in the firſt place
their teſtimony is poſitive, that the orders they heard
and they heard them twice, were that the cavalr
ſhould form one line as a third line to ſuſtain th
infantry, and to advance. In the next place, it mu
have been a poor explanation, that could poſſibly e
cape the attention of ſo many gentlemen all preſen
all underſtanding the order contrary to the ſuppoſe
explanation, and all attentive to the manner of tha
order's being deliver'd. The witneſſes taken ſingl
ſay, that it was poſſible, though not probable, ſuc
an explanation might have been added, without thei
hearing it. But their teſtimonies taken together
ſhew that it was not only improbable, but morall
impoſſible, that ſuch an explanation ſhould have bee
added, and paſſed unheared by many of the witneſſe
then preſent. Perhaps it may be thought by ſom
(by this Court I preſume it will hardly be thought
that Col. *Sloper*'s depoſition explains or ſtrengthen
Capt. *Winſchingrode*'s evidence on this article; I wa
in hopes to have had no further occaſion to hav
mentioned this witneſs. My firſt obſervation on hi
evi

evidence, tended to ſhew, from his own teſtimony, with what zeal he had declared himſelf as a witneſs againſt me. I am now obliged to the Judge Advocate's reply, for a much better proof of the early expreſſions of his malice againſt me, a proof, which in my apprehenſion, inſtead of reſtoring him (as it is called) to his credibility, evinces to all the world, that Col. *Sloper* had talked himſelf into this ſituation, that he muſt either have endeavoured by his converſation and teſtimony to accompliſh my ruin; or I muſt have brought Col. *Sloper* to puniſhment for the diſcourſes he held againſt me in the army. It was attempted to be ſhewn, that he had held this language before the Prince's orders of the 2d of *Auguſt*. Lord *Granby* was uncertain as to the time, and as to the converſation; Col. *Harvey* only ſays, that it was an hour before the orders were delivered to his regiment; but every body knows, that the orders are public ſeveral hours before they can be circulated to the line. I ſhall make no other obſervations on this new matter of evidence, but acknowledge my obligations to the Judge Advocate, for ſupporting the general credibility of Col. *Sloper*, which had not been attacked, by proving that he came to give his evidence under a ſtronger biaſs than perhaps ever attended any witneſs. But ſuppoſing Col. *Sloper*'s credibility to ſtand now as little impeached as it did before the evidence brought in ſupport of it, I ſhall ſhew that his teſtimony, with regard to Capt. *Winſchingrode*'s order, is not only contradictory to the teſtimony of Col. *Hotham*, Capt. *Hugo*, Capt. *Broom*, Capt. *Lloyd*, and Lieut. *Biſſet*, but that in material inſtances, it is contradicted by other witneſſes, for the charge is inconſiſtent with other facts proved, and even inconſiſtent with itſelf.

Col. *Sloper* ſet out with ſaying, that juſt after the line was formed, Capt. *Winſchingrode* came up to me, the reaſon of fixing his arrival at this period is obviouſly to protract the interval between Capt. *Winſchingrode*'s order, and the arrival of Capt. *Ligonier*.

Col.

Col. *Hotham* and Capt. *Hugo* both agree, that the cavalry had been formed half an hour before Capt. *Winſchingrode* arrived; this is but their opinion it may be ſaid; be it ſo; but the Marquiſs of *Granby* ſhews by his depoſition, that he thought there was a pretty conſiderable interval between the cavalry forming in lines, and Capt. *Winſchingrode*'s firſt coming up, even to the ſecond line; but ſuppoſing the Marquiſs of *Granby*'s opinion no better founded than Col. *Hotham*'s, and Capt. *Hugo*'s, Lieut. *Biſſet*'s depoſition proves a matter of fact that aſcertains this interval. He left me after the two lines of cavalry were formed, rode by a detour of a mile and an half into the plain, ſpoke to Col. *Robinſon* of the infantry there, returned, and was with me when Capt. *Winſchingrode* arrived. Capt. *Winſchingrode* left the infantry, as he has told the Court, after it had formed in a line, and had advanced above a hundred yards from the place where they had formed towards the enemy. Lieut. *Biſſet* left the cavalry formed in two lines, and found the infantry, when he reached the plain, ſtill in column. Needs there any further proof that the firſt circumſtance, by which Col. *Sloper* has introduced Capt. *Winſchingrode*'s order, he has either miſtaken or miſtated? The former cannot be ſuppoſed, for he has relied very much in the courſe of his depoſition upon the early arrival of Capt. *Winſchingrode*, as a circumſtance on which he founds his opinion of my diſobedience. He told Capt. *Ligonier*, that Capt. *Winſchingrode* had delivered his orders half an hour before him, which would have agreed exactly to the time of the cavalry's firſt forming; he has departed from that aſſertion ſince, and the time is now, by his own depoſition, but a quarter of an hour; it remains then that he muſt have miſtated it.

Col. *Sloper* proceeds from this circumſtance to ſtate the orders, which he admits were twice repeated in *French*, and ſo far he agrees with the other witneſſes; but the orders he ſtates are ſo very different, that it

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is impoſſible by any means to reconcile his depoſition to that of the other gentlemen who have ſworn to this article. The ſhort queſtion then is, whether the teſtimony of Col. *Sloper*, falſified, as it is in other inſtances, and delivered as it was with ſuch circumſtances of malice and prejudice, is to be taken here in contradiction to the unſullied teſtimony, I ſhould be abſurd to ſay of four or five gentlemen, but even of one man of common credit. But Col. *Sloper*'s relation of this circumſtance is in ſome reſpects different from Capt. *Winſchingrode*'s; Col. *Sloper* makes him repeat his orders the third time in *Engliſh*. Capt. *Winſchingrode* contradicts him; this laſt gentleman ſays, when he left me, he was firmly perſuaded that I was going to give orders for advancing; Col. *Sloper* in contradiction to him, repreſents me as ſtill in doubt, and ſubmitting very readily to his unaſked opinion; none of the officers who were preſent with me, recollect any thing of Col. *Sloper* on this occaſion, nor does he remember any of the orders I then gave to any of my Aids de Camp; and it is hardly to be conceived, that his offering an opinion of the orders ſo different from that of every other officer preſent, muſt not have been remarked by ſome of them, or that Col. *Sloper* ſhould not have heard the orders I gave, had he been then preſent. Theſe obſervations I think entitle me to ſay again, Capt. *Winſchingrode* is the only witneſs upon this part of the charge, and I hope I have ſufficiently proved to every man's conviction, what were the orders delivered by him, and that they were no otherways explained, than by repeating them.

I will, however, ſuppoſe for the preſent, that Capt. *Winſchingrode* had added to the orders proved to have been delivered on explanation, that the movement was to be to the left thro' the trees; this at moſt was but his ſenſe of the manner of executing the order, and not the direction of the order itſelf; and

and ſurely a general officer may be allowed to queſtion even an Aid de Camp's explanation of the orders he brings; he came from the left, and probably knew no other way for the cavalry to advance. It is now proved to the Court by Lieut. *Sutherland* and Capt. *Williams*, who had both viewed the ground the day before the action, and alſo by Capt. *Lloyd* and Capt. *Smith*, that the ſhorteſt way for the cavalry to have come into the action, would have been by advancing by the windmill. Was Capt. *Winſchingrode*'s information, (however able or obſervant he might be) his information of what he ſaw on a gallop, to be abſolutely depended on againſt all other appearances? If the explanation of moving to the left was to be received, the order could not be immediately executed in that way, for the artillery was then paſſing on the flank, and continued paſſing a much longer time than was neceſſary for removing the *Saxe-Gotha* regiment, the only obſtacle to advancing forwards; yet the orders were to be executed immediately, according to the ſuppoſed explanation; for the foot were juſt going to engage, and the cavalry were to be haſtened. But it may be ſaid, the artillery could have been halted; had there been no other way for the cavalry to have advanced but by the left, it muſt have been halted. But ſetting aſide all other circumſtances that could induce me to prefer advancing forwards, this circumſtance alone was ſufficient to make me heſitate on the explanation of going to the left, when that movement could not be made without doing material prejudice to the ſervice, by delaying the artillery, which was ſo much wanted in the front.

I now return to ſhew, what were the meaſures I took for putting in execution the order to form the cavalry into one line, making a third to ſuſtain the infantry, and to advance: the literal obedience to it required me to attempt forming the two lines into one, as a third to ſuſtain the infantry, and then

was to advance. The Court remembring the po-
tion of the cavalry at that time, ſurrounded on
ch ſide by woods and incloſures, will eaſily con-
ive, that the ſituation of the wood on the left,
hich muſt have interſected ſuch a line, might create
reaſonable heſitation in any man, as to the man-
er of advancing. I reſolved to take the ſteps I
ought moſt neceſſary for the execution of the or-
er; I immediately ordered Capt. *Hugo* to clear my
ront of the *Saxe-Gotha* regiment, which would, till
was removed, prevent our advancing: I ordered
Capt. *Brome* to go forward to reconnoitre the poſi-
ion of the enemy, and I ſent Capt. *Lloyd*, another
id de Camp, to find out our infantry, and report to
me their ſituation, that I might then judge in
hat manner, and by what movements, I could beſt
ulfil his Serene Highneſs's intentions; for I could
ever think I ſhould have done my duty, had I pre-
ipitately marched the cavalry into a wood, without
nowing whether it led from, or towards its deſti-
nation. I would not be underſtood in the leaſt to
nſinuate, as if I imagined the difficulty of obeying
he order literally, a ſufficient excuſe for not carry-
ng the ſpirit of the orders into execution; but I
muſt think, that taking every ſtep that could enable
me to form my own judgment of the ſtate of facts,
rom whence alone I could be enabled to act accord-
ng to the ſpirit of the order, was paying all poſſi-
le obedience to it. In my apprehenſion then, it be-
ame my firſt duty to procure all the neceſſary infor-
nation I could; when I had diſcharg'd that duty, I
hould then, if I had found it neceſſary, have riſked
he literal diſobedience of my orders, and have ad-
anced with the cavalry, formed as they were, in two
ines, as far as the plain beyond the wood, and then
ave made the neceſſary movement for ſuſtaining the
nfantry, where the ground would have beſt allow-
d it.

Whether the meaſures I took were the moſt pro
per, or whether I have acted with the ſame ability a
many before whom I now ſtand, would have done i
the like ſituation, I ſhall not preſume to ſay; but
hope no body can think after the ſteps I did take
that I can be ſuſpected of having intentionally di
obeyed the orders I received; and I muſt further ob
ſerve, that had I by haſtily obeying the orders o
Capt. *Winſchingrode*, brought any misfortune upo
our cavalry (if the intention had been taken of blam
ing me) I might now have been ſtanding at your ba
for having given too much credit to orders brough
by an officer not properly authorized to deliver ther
to the *Britiſh* troops. But ſuppoſe the orders of Capt
Winſchingrode were, as has been aſſerted, to move t
the left, and that there would have been no obſtruc
tion neither from the wood nor the artillery; let an
one conſider only what was the ſpace of time in whic
I was to act, and what was the extent of the lines
was to put in motion. The interval of time tha
elapſed between Capt. *Winſchingrode*'s leaving me, an
the cavalry's actually advancing, is aſcertained by th
moſt undoubted evidence, not to have exceeded ſeve
or eight minutes, Col. *Hotham* ſays, it was betwee
five and ten minutes, Lieut. *Biſſet* ſays about ſeve
or eight minutes; all the witneſſes in general (ex
cepting indeed Col. *Sloper*, who makes it at one oc
caſion half an hour, and on another a quarter) are o
the ſame opinion; but the incertainty of any opi
nion with regard to time, ſo ſtrongly appearing in a
the depoſitions, has determined me upon every ma
terial interval, to endeavour to obtain a more con
vincing proof; Capt. *Hugo*, who during this ſpace
galloped about 200 paces, delivered an order, and re
turned, ſwears from the knowledge of what he then did
that the time was not above ſeven or eight minutes
Capt. *Lloyd* from the like reaſon, gives the ſame evi
dence. If this concurrence of facts and opinio
could leave the ſmalleſt doubt in any mind, Capt
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Winſchingrode's evidence, who ſays that galloping from me he met Col. *Fitzroy* galloping towards me, who joined me, as every body knows, after the cavalry was in motion, proves to demonſtration, that there could not have been above ſix or eight minutes in which I was to act. The lines which were to be put in motion during that time, conſiſted of twenty-four ſquadrons, and had the order been given for marching from the left immediately upon Capt. *Winſchingrode*'s leaving me, the ſquadrons upon the right could not have begun to move before the arrival of a different order. The generals, who underſtand the movement of lines, will know I am right in this aſſertion. Hitherto I have not ſuppoſed the *Saxe-Gotha* regiment any obſtruction to moving forwards, nor deſired any allowance of time upon that account; it has been admitted however, that five minutes might be neceſſary for that purpoſe, when it was treated as the moſt trifling obſtruction; ſuppoſing it to have employed no longer time, (and whatever time was employed I am not to be blamed, as I immediately gave the proper order) it is ſufficient to account for the whole interval in which I am accuſed of having remained inactive; for Capt. *Hugo* immediately returned after delivering his orders, and before the front was quite clear of that regiment, the firſt line was in motion. Immediately after Capt. *Hugo*'s return, Capt. *Ligonier* arrived with Capt. *Lloyd*, whom a few minutes before I had ſent to reconnoitre the poſition of the infantry; the orders that Capt. *Ligonier* delivered to me, are fully ſtated in Col. *Hotham*'s depoſition, that his Serene Highneſs ordered the cavalry to advance, and he added as the reaſon of the order, the enemy is retiring or in confuſion, *et il vous prie d'en profiter:* the other officers who were near me, underſtood the orders in the ſame manner. But it is unneceſſary to trouble the Court with referring to their depoſitions; for Col. *Ligonier* himſelf agrees with Col. *Hotham*, and ſays, that the

orders he brought, was to advance with the cavalry in order to profit from the diſorder which appeared in the enemy's cavalry.

Col. *Sloper*, as uſual, differs from all the other witneſſes, and aſſerts that Capt. *Ligonier* ſaid to me, "it "was the Duke's orders that I ſhould advance immediately with the cavalry under my command, and "that the movement was to the left;" but it muſt be clear to the Court, that there was no mention of the left in the order itſelf which Capt. *Ligonier* delivered.

This order removed every doubt that had attended the former, was not accompanied with any difficulty in the execution, but was perfectly clear and explicit. Did I endeavour to raiſe any objections? Did I even queſtion Capt. *Ligonier* upon it? Did I then heſitate one moment to obey? Capt. *Legonier* has ſaid that without making an anſwer, I immediately drew my ſword, gave the word to march, and the troops advanced. So ſudden an obedience demonſtrates what diſpoſition I had to obey every order I underſtood, and the Court may judge from hence that I would have obeyed every other order with equal alacrity, had they been equally clear. Thus far, there is not the leaſt appearance of a contradiction in the evidence (excepting always Col. *Sloper*) with regard to Capt. *Lgonier*'s order, but Capt. *Ligonier* then ſays, that when the troops had moved a few paces forwards, he told me it was to the left I was to march. This explanation of his order was not heard or underſtood by any of the officers about me, as is clear from Lieut. *Sutherland*'s depoſition, Capt. *Lloyd*, Capt. *Biſſet*, and Capt. *Hugo*, who all underſtood at the time that Capt. *Ligonier* had expreſſed himſelf no otherwiſe with regard to his orders, than by ſaying the whole cavalry was to advance.

It will appear alſo by what paſſed afterwards, that this explanation was not heard or underſtood by me, and yet it is not improbable that Capt. *Ligonier* at the

time he mentions may have ſaid ſomething about going to the left; he ſpoke it by his own account after the line had advanced a few paces: the drums were then beating, for they continued ſo by Capt. *Smith*'s depoſition, till the halt. Capt. *Ligonier*'s order had not occaſioned me a moment's reflection, and it might very naturally happen in that ſituation, that he might have ſaid ſomething about going to the left, which neither I, nor any perſon about me, heard.

In a very ſhort time after the cavalry was in motion, Col. *Fitzroy* arrived, and delivered me an order to advance with the *Britiſh* cavalry only to the left. I immediately halted the cavalry, and was, I confeſs, aſtoniſhed to receive an order ſo contradictory to every idea, that either from former orders, or from my own obſervation, I had formed of the ſervice of the cavalry that day, and I could imagine beſides no poſſible reaſon for dividing the cavalry, and bringing up the *Britiſh* only.

The Court will eaſily enter into the doubts, which at that time perplexed me, for I think there has never yet been any tolerable reaſon aſſigned for this difference in the orders. The enemy, as every body knew, was greatly ſuperior to us in cavalry; the attack had not begun when Col. *Fitzroy* was ſent off, conſequently the enemy's cavalry was not then weakned; why then ſend for an inferior body of cavalry? was it to avoid delay? as has been ſometimes given out. Why then ſend for the *Britiſh* cavalry? which being poſted on the right, were at leaſt half a mile more diſtant from the infantry than the *Hanoverian*. I could not but imagine at firſt, that there was a miſtake in the delivery of the orders. I ſaw Col. *Fitzroy* out of breath and much hurried; I deſired him not to be in a hurry, to recollect himſelf, and deliver his orders diſtinctly. He then repeated his orders again; I expreſſed my ſurprize, and told him, that I had but juſt received orders from Capt. *Ligonier* to *advance* with the whole cavalry, and that I could not imagine

that

that the Prince meant to divide them, Col. *Fitzroy* then ſaid, that Capt. *Ligonier* and he left the Prince at the ſame time, and brought the ſame order; I then aſked for Capt. *Ligonier*, he came up and aſſerted in the ſtrongeſt terms that his order was right, and ſaid that he would anſwer for it with his honour and his commiſſion; Col. *Fitzroy* continued equally poſitive that his orders were right, and inſiſted that they brought the ſame orders, and left the Prince at the ſame time; I deſired that they would agree what their orders were, and that I was ready to execute either of them; they both continued equally poſitive; I ſaw no method from them of clearing up that confuſion, and I aſked whether the Prince was at hand? and where they had left him? Col. *Fitzroy* anſwered, that he had left him juſt on the other ſide of the wood not a great way off, and coming towards us. I immediately determined, what every man I believe in the like ſituation would, to have an explanation of theſe orders, when it could be obtained by going ſo little a way, and when the trifling delay that could occaſion, muſt have been of much leſs prejudice to the ſervice, than an improper obedience.

I have related the ſubſtance of what paſſed between Col. *Fitzroy*, Capt. *Ligonier*, and myſelf; from the whole depoſitions taken together, it is not to be expected, that any two fair witneſſes ſhould relate an affair of this nature exactly in the ſame manner, if they agree in the general tendency of the converſation, and if the expreſſions which ſtrike each witneſs in particular, and are therefore remembred by them, correſpond with the general account and agree together, there is more credit to be given to ſuch evidence than if there relation were in every point the ſame. Capt. *Smith*, Capt. *Lloyd*, Capt. *Hugo*, Lieut. *Sutherland*, and Lieut. *Biſſet*, were all preſent during this converſation. They all agree in general that Col. *Fitzroy* and Capt. *Ligonier* were both poſitive as to their orders, and that Capt. *Ligonier* did not admit

that

that Col. *Fitzroy*'s were to be obeyed preferably to his; they all underſtood that the orders delivered to Col. *Fitzroy* and Capt. *Ligonier* were the ſame, and that they left the Prince about the ſame time. Capt. *Smith*, Capt. *Lloyd*, and Lieut. *Sutherland*, are poſitive that Col. *Fitzroy* ſaid ſo, and Capt. *Ligonier*'s coming to me a little ſooner did not contradict this ſuppoſition as they came different ways, and the one very eaſily might have got before the other. The ſame gentlemen likewiſe prove, that I aſked if the Prince was near, and upon being told that he was, deſired to be conducted to him.

Col. *Fitzroy* and Capt. *Ligonier*'s evidence differs from the account given by theſe five gentlemen; but it is not ſurprizing that their account of this tranſaction ſhould not be ſo perfect as that of the byſtanders, they were both too much perſonally concerned in it, to have a clear and diſtinct remembrance of what paſſed even in the moſt trivial diſputes, a diſtinct account of the ſubject of the diſpute is not to be expected from thoſe engaged in it. Beſides, they have both ſhewn by their evidence, that it is impoſſible their account of it can be complete; Col. *Fitzroy* does not remember any thing that paſſed between Capt. *Ligonier* and me, and Capt. *Ligonier* ſays he was at ſome diſtance and did not hear any thing that paſſed between Col. *Fitzroy* and me, except the delivery of his orders, neither of theſe gentlemen then can be a witneſs to ſupport the other, and in every inſtance where either of their teſtimonies differs from thoſe of the other witneſſes, it is only the evidence of one man, as to the words he ſpoke in contradiction to the evidence of many, as to the words they heard; and it is obvious that even where there is no diſpute, it is much more probable, that a man ſhould be right with regard to the words he remembers to have heard, than the man who only relates the words which he imagines he ſpoke. The obſervation is applicable with much more force, when not one only, but many witneſſes,

witneſſes, agree as to the words they heard. It is no reproach neither to Col. *Fitzroy* nor Capt. *Ligonier* that they ſhould have miſtaken many particulars of this affair; I ſhould be uncandid if I mentioned it as a reflection upon their veracity, their hurry and eagerneſs very naturally accounts for it.

It may be expected that I ſhould ſay ſomething here with regard to the place at which the orders of Capt. *Ligonier* and Col. *Fitzroy* were delivered to me. This is a matter much of the ſame nature with time and diſtance, almoſt as difficult to be aſcertained, and ſubject to as many miſtakes, when no particular circumſtance occurs to fix it in the mind. Col. *Fitzroy*'s depoſition ſhews this ſtrongly; he ſays I was at the right of *Bland*'s when he came up to me, and afterwards ſays that when the diſcourſe paſt between us about his order, that he and I were between the two lines of cavalry. Now it is certain from all the evidence, that I never was between the two lines, but always in ſome part of the front of the firſt line. This I mention as an inſtance meerly of miſtake.

With regard to this circumſtance in general, I underſtand, that it is to be the ſubject of a reply, and therefore I ſhall reſerve any obſervations upon it till I ſee, whether the reply can fix it more poſitively (which I do not apprehend it can) than the ſeveral witneſſes on my part have done; perhaps even then I ſhall give the Court very little trouble upon it, for it is introduced meerly to ſupport the credit of Col. *Sloper*, and I can very eaſily give up this one contradiction to his evidence, if the proſecutor will undertake to remove the bad impreſſion, that his manner of giving evidence excited; if he will now diſprove the ſtrong motives, under which he has already proved Col. *Sloper* came to give evidence; if he will ſupport Col. *Sloper*'s teſtimony againſt Capt. *Ligonier*'s, as well as the witneſſes, in defence with regard to what order Capt. *Ligonier* delivered; if he will ſupport his teſtimony, as to the time between Capt. *Winſching-*

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de's order, and the cavalry advancing againſt that entleman's evidence, the facts proved by Capt. *Hugo* nd Capt. *Lloyd*, and the opinion of ſo many other itneſſes; if he will ſupport his credibility, as to the me of Capt. *Winſchingrode*'s arrival againſt poſitive cts, againſt the witneſſes for the charge, as well as oſe for the defence; if he will undertake to do theſe ings, I will agree to give up this contradiction, and ld to it, if he pleaſes, a heap of others, that I would ot tire the Court with enumerating.

I have already ſaid, that Col. *Fitzroy* having told e, that the Prince was not a great way off, I deſired be conducted to him. As we galloped along, I w the wood open to the plain more quickly than I agined, and Col. *Fitzroy* continuing ſtill very poive in his order, as reported to me, I ſent back apt. *Smith* with orders to bring up the *Britiſh* cavalry faſt as poſſible. The place from whence I ſent him ack, was not diſtant from the neareſt part of the caalry above 150 or 200 yards by Col. *Fitzroy*'s acount, and by the account ſo often given of the exnt of the wood at that part of it, could not have een many hundred yards from the left of the *Britiſh* avalry, ſo that the delay occaſioned by my deſiring to o to the Prince, could only be the time that it might ike to gallop twice that diſtance. Capt. *Smith*, as he aſſed by the left towards Gen. *Moyſton*, made the avalry wheel by quarter ranks, ſo that all poſſible exedition was uſed, and they were marched in that orer: I obſerved, it was aſked with ſome appearance f ſurprize, how the woods opening could occaſion y ſending back for the *Britiſh* cavalry only? A moent's reflection on the former evidence would have ade that queſtion unneceſſary; the wood's opening on to the heath, reconciled me a little to the movent being made to the left; if that was to be done, hen Col. *Fitzroy*'s order, and not Capt. *Ligonier*'s, as to be followed, (for I underſtood nothing from he laſt of this movement) and of conſequence the

Britiſh cavalry only were to be brought up. Thi
together with Col. *Fitzroy*'s poſitiveneſs, and Cap
Ligonier's abſence, who had gone from me, when
ſet out towards the Prince, induced me, tho' I ow
without being convinced to give the order I did
Capt. *Smith*.

When I came up to the Prince, I told him the ſta
of the orders; he received me, as has been proved b
many witneſſes, with his uſual civility, expreſſed
me no ſurprize at my not underſtanding the orders
but upon my pointing to him the head of the colum
of cavalry of the ſecond line, which was then in vie
coming out of the wood, gave me his own orders
form the cavalry on the heath, and ſuſtain the infan
try. I ſhould greatly wrong the Prince, if I ſhoul
ſuppoſe it neceſſary to take much notice of what ha
been told the Court, of his expreſſing his ſurprize
my doubt upon the orders, not by words, but by h
looks and actions. The orders he gave me, wer
materially different in their object from either Cap
Ligonier's, or Col. *Fitzroy*'s; theſe orders alone wer
a confirmation of my doubts, and his manner ſeeme
to me to correſpond with his words. But it has bee
obſerved, that before Col. *Fitzroy* came up, the Princ
expreſſed his diſſatisfaction at my conduct, for whe
he ſent Mr. *Derenthal* to haſten me; he ſaid, lookin
towards the cavalry, that he did not know, what Lor
George Sackville was doing there. If his Serene Highne
was diſſatisfied with any body then it could not be me
for the cavalry he ſaw at that time was the ſecond line
but the expreſſion does not ſeem to import any blame
but only ſhews his ſurprize, that the cavalry appeare
ſo much to the rear, where to be ſure he did not expe
them; and where, if he had known, they were oblige
by going to the left to place themſelves, he probabl
would not have choſen they ſhould have made tha
movement.

The orders I received, pointed out to me the obje
I was to have in view, the ſuſtaining the infantry, b

a formed body of cavalry. There was nothing mentioned of attack or purſuit, nor any thing that could in the leaſt induce me by advancing in a hurry to hazard any diſorder or confuſion in the cavalry, which would have made it totally unfit to ſuſtain infantry: had purſuit then been the object, his Serene Highneſs would undoubtedly have ordered the cavalry, which firſt appeared, to have advanced inſtantly, without ordering me to form the whole. I immediately diſpatched Capt. *Lloyd* to order the cavalry to form in line, and followed him myſelf.

The ſecond line, it is certain, was got upon the heath ſooner, but not a great deal ſooner than the firſt. Capt. *Smith* met Lord *Granby* at the entrance of the wood from the ground where the cavalry was firſt formed, and the cavalry marching from the left, and their flank being cloſe to the wood, ſufficiently proves how ſhort a time they could have been in motion. From thence he went very faſt to Gen. *Moyſton*, who was not far off; the cavalry marched immediately by quarter ranks, which acroſs the wood was by much the quickeſt way, and they marched at a very good pace. The cavalry that I ſhewed to the Prince, was the ſecond line; but at, or ſoon after that time, the firſt line appeared alſo, for Lieut. *Sutherland*, who was then by me, ſays, the firſt cavalry that he diſtinguiſhed coming out of the wood was the *Blues*.

I ſent Capt. *Hugo* then to the *Hanoverian* cavalry of the firſt line, that I had left on the other ſide of the wood, becauſe it was very clear now, the Prince's intentions were not, that the *Britiſh* cavalry only ſhould advance on the heath. I then ſet about forming the cavalry as the ground would beſt admit, taking the moſt expeditious and effectual method of fulfilling his Serene Highneſs's intentions. Here undoubtedly it may be ſaid, there was a halt. That is to ſay, the ſquadrons that firſt formed, ſtopped till the others could form up with them in line, and without ſuch a halt, it was impoſſible the cavalry could form at all. But

the whole body never was halted, and ſome part of it always in motion.

How much time was employed in this manœuvre, is not aſcertained by the evidence; no particular time can be ſaid to be neceſſary for ſuch movements, as the making them ſlower or faſter, muſt always depend upon the adroitneſs of the troops, and their readily comprehending the orders they receive. Capt. *Smith*'s evidence ſhews, that the *Hanoverian* ſquadrons on the left formed too near the wood, and inſtead of inclining to the left in advancing, as I ordered them, wheeled to the left. This miſtake I was obliged to ſet right, and ſome time was loſt by it; Col. *Pitt* is the only witneſs, who has an opinion as to the time employed in forming the line; he thinks it was about a quarter of an hour that the brigade, in which he was, halted in forming the line; but he alſo thinks, that when that brigade alone formed at their firſt coming out of the wood with Lord *Granby*, the halt was about ten minutes, ſo that five minutes more, ſuppoſing his calculation juſt, was no extraordinary time for forming a line, which conſiſted of more than double the number of ſquadrons of which he ſpeaks.

If it was upon this occaſion that Lord *Granby* found fault with my manœuvres, I flatter myſelf, his Lordſhip would not have blamed them, had he known, that I was acting under the orders of the Prince. The intention, of which I am perſuaded he would have agreed with me, could not have been otherwiſe ſatisfied, than by advancing with a well-formed line of cavalry fit to ſuſtain.

Before the line was quite formed, the left moved, the inconvenience of the ſquadrons that firſt formed having taken too little ground, ſoon appeared, for as we came up to the fir grove ſo often mentioned, *Bland*'s and the *Inniſkillings*' were thrown out of the line entirely: even this obſtruction did not make me halt the line, tho' I was obliged upon that account to move a little ſlower, and to incline the ſquadrons to the left; afterwards we moved on, without any ſort of

ſtop,

ſtop, except occaſional ones to dreſs the line, till we came in the rear of the infantry, and there the cavalry was halted, as this undoubtedly was the object pointed out by the Prince's orders.

In order to explain a little more fully to the Court the movements of the cavalry at that time, I muſt beg they would conſider a moment what was then known with regard to the ſtate of the action. No officer of the cavalry, I believe, imagined that the engagement was over before we came upon the heath; nor had his Serene Highneſs any idea that the ſucceſs of the few battalions that had engaged could determine the event of the day, as is plain from the orders he gave to ſuſtain the infantry; it appears now indeed, that the action muſt have been over at that time. Mr. *Derenthal* had before that congratulated the Prince upon the ſucceſs of the infantry, and we now know that after that ſucceſs the *French* never returned to the charge. But as I hope not to be cenſured upon circumſtances that I could not know, neither ſhall I attempt to excuſe myſelf by them. Let my conduct be judged only according to the views I was enabled to form at that time; ordered to ſuſtain the infantry, could I have been juſtified had I not paid the utmoſt attention to bringing up the cavalry in line? Was not that eſſentially neceſſary to the object of the order? The ſlowneſs of the movement is here again found fault with. The march, at particular times, might be ſlow in particular parts of the line; but whenever I could bring them up regularly, it was ſufficiently faſt through the whole line. Capt. *Smith* proves that he met me advancing at a full trot as I came towards the place where the action had begun. With regard to the halts that I made, it is now clear from the whole evidence, that there never were but two halts after the cavalry came upon the heath; the one was that which was firſt made to form in line; the other when they halted in the rear of the infantry. This appeared very clear both from Col. *Pitt* and Col. *Hotham*'s depoſition. And what in other parts of the evidence might have been

miſtaken

miſtaken for halts, are explained by this laſt depoſition to have been only occaſional halts for dreſſing the line. I need make no apology for theſe, as every officer knows the neceſſity of them. The firſt halt could not be avoided, and the laſt was in obedience of the order I received.

Some doubts ſeem to have ariſen whether that infantry behind, which I then halted, was the infantry I was ordered by the Prince to ſuſtain. It muſt be very clear to every one, that at the firſt line of infantry I came up to, it was my duty, in execution of my order, to halt. The infantry behind which I halted, are proved to the Court to have been a line of 7 or 8 battalions, commanded by Major Gen. *Scheele*, part of whom belonged to the firſt, and part to the ſecond line of the army; if we can credit the plan of Lieut. *Roy*, ſo much relied on, it is difficult to ſay preciſely what part of the line of infantry his Serene Highneſs intended the cavalry ſhould have ſuſtained; the events of the day totally changed all lines and diſpoſitions. But I think it is certain, that had the cavalry been in a ſituation originally to have formed as a third line to ſuſtain the infantry, it muſt have formed behind ſome of theſe very regiments; and after the orders were received, this was the only line of infantry upon the plains of *Minden* that ever appeared for the cavalry to have ſuſtained.

I ſoon ſaw that no ſervice could be done in this ſituation, I thought in all probability there might elſewhere; for no action that ever I had known, had been decided in ſo ſhort a time, and by the fate of a ſingle attack. I ſent an Aid de Camp to acquaint His Serene Highneſs, that the cavalry could do no ſervice where it was, and to deſire to know if he had any commands for them? The Court will ſcarcely ſuppoſe, that this would have been the conduct of a perſon who had any diſinclination to obey.

It will be now proper (having gone through the particular movements of the cavalry) to take notice

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of a general object of enquiry that has been purſued through the courſe of the trial, whether the cavalry attacked any enemy, or ſuſtained any infantry that ever was engaged? As to the firſt attacking the enemy, never was the object of any order I received excepting Col. *Ligonier*'s, and with what readineſs I obeyed that order, till I was ſtopped by Col. *Fitzroy*'s, the Court already knows. As to ſuſtaining infantry that was engaged with the enemy, if there was a proper relation of the action before the Court, it would at once appear, how impracticable that was. It was for this reaſon that I wiſhed to have aſked a few queſtions of the officers of the infantry; but as the Court had had the trouble of ſo long an attendance, I could not wonder, that they wiſhed to ſhorten the examination, and I very readily ſubmitted to their opinion. I muſt beg leave therefore to mention a fact or two, not in the depoſitions, but ſo publickly known, and ſo confeſſedly true, that it is impoſſible to call them in queſtion. I mean only this, Capt. *Winſchingrode* has ſaid, that when he left the Prince the infantry had moved about 100 paces towards the enemy, Col. *Fitzroy* ſays, that when he came off, the infantry was advancing briſkly; I deſire only to add to this what every body knows, that the *Britiſh* brigade of infantry on the right, advanced with the utmoſt impetuoſity, before any line of battle was formed, or before any artillery could be brought to oppoſe the enemy's batteries, attacked the *French* line, and after a very ſhort conflict, ſuſtained and aſſiſted only by the ſecond brigade of *Britiſh*, and the two battalions of *Hanoverian* guards, defeated it, and put it to flight.

Capt. *Derenthal* proves the ſhort duration of the action; he left *Brudenell*'s regiment after the ſucceſs of the infantry, and had been with the Prince ſometime before Col. *Fitzroy* returned to him with me; after which there was no firing of ſmall arms heard. I deſire only now to remind the Court, that the only part

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of the army that did engage the *French* line, were the ſix *Britiſh* regiments, the two battalions of *Hanoverian* guards, and perhaps *Hardenberg*'s regiment. The evidence will ſhew how far they had ruſhed on purſuing their victory.

Lieut. *Sutherland*, and Capt. *Lloyd*, after they had delivered the orders from me, for the cavalry to form, galloped acroſs the plain towards the infantry. Lieut. *Sutherland* came up firſt with the *Hanoverian* guards, and a little more advanced he found the *Britiſh*; the enemy was then cloſe to the walls of *Minden*. Lieut. *Lloyd* ſaw the *French* cavalry at ſuch a diſtance as juſt to diſtinguiſh it to be cavalry, and that was all. They both think the infantry that had engaged were above a mile, Lieut. *Sutherland* thinks near two from where they left the cavalry forming.

Lieut. *Biſſet* left me, while I was receiving the Prince's order, and in going towards the infantry, met the wounded officers coming off. He then came towards me, and immediately returned to his regiment, when he found the enemy out of ſight, but as it was imagined they were forming behind the houſes, he returned to deſire my permiſſion to join his regiment, which had loſt a great many officers; he immediately returned to his regiment, and never ſaw the enemy more till they afterwards appeared in the hedges of *Minden*. Capt. *Smith* likewiſe galloped on to the infantry, as the cavalry began to advance, and found the *Hanoverian* guards and the *Britiſh* amongſt the incloſures of *Minden*, and the enemy that had engaged them diſtinguiſhable only by a cloud of duſt that they had raiſed towards *Minden*; and the officers of the *Britiſh* infantry aſked him where the army was, for they had not ſeen any more of it than two battalions of the *Hanoverian* guards all that day.

Againſt theſe facts there is only the opinion of one or two cavalry officers, founded upon conjecture, not obſervation, that the cavalry might have ſuſtained the body of infantry that was engaged. I leave it to the

Court

Court to form the concluſion, whether it was poſſible for the cavalry to have ſuſtained that infantry, which not even the remainder of the firſt, nor any other part of the ſecond line ever came up to, to ſuſtain, or to have ſhared with them the glory of the day.

I have now laid before the Court the whole facts relative to my conduct in the affair of *Minden*. After the action was over, when the laſt ſtep of it had demonſtrated my zeal for the ſervice, I little imagined, midſt the general congratulations that were given and received, when there was but one opinion prevailed, that the valour of a few battalions under the immediate protection of Providence, had prevailed againſt numbers, preparation and diſpoſition; when all concurred in praiſing thoſe, whoſe good fortune had given them a greater ſhare of the action, and no body was heard to cenſure thoſe who had leſs opportunity, though not leſs deſire to have gained equal honour; I little imagined that any diſſatisfaction could have been conceived againſt my conduct. The day paſſed without any reflections or reproaches upon myſelf or any officer; theſe were then left as the common conſequences of defeat to the vanquiſhed army.

Next day the orders came out; how aſtoniſhed I was at receiving them, and what I felt, thoſe before whom I ſpeak will eaſily conceive! the inſtance was new to me, nor I believe can any of the generals who compoſe this Court in the courſe of their ſervices, recollect that it ever was the practice of any general to puniſh by public orders, and without trial or examination inflict ſo fatal cenſures upon officers. In juſtice however to Prince *Ferdinand*, I muſt acknowledge, that I do not believe he intended to throw that reflection upon me which the orders ſeem to import, if he had, I muſt think he would have avowed it, he might imagine that I was only envious of Lord *Granby*'s praiſe, not jealous of my own honour, and perhaps did not comprehend the manner in which I felt

that indirect cenſure. He was uninformed of our manners, ignorant of the effect the orders would produce here, and unaccuſtomed upon thoſe points to the ſenſibility of Engliſhmen.

What has been the effect of theſe orders, I have never called to mind ſince I came upon this trial, I only feared them while it remained uncertain, whether the objections to the legality of my trial could be overcome. I knew no anſwer could be made to an unknown accuſation, and while I ſaw myſelf at once deprived of all my military commands, of the favour of my ſovereign, and of the eſteem of my country, I could never learn of what crimes I was accuſed, but from news-papers or pamphlets. My heſitation with regard to the orders of Col. *Fitzroy* and Capt. *Ligonier* was for along time the only topic mentioned as the cauſe of my diſgrace; ſomething there was likewiſe ſaid about looks and appearance, but this was then confined to its proper ſphere, the loweſt of the rabble, this charge is the laſt that a man of ſpirit can ſuppoſe to be brought againſt him, and the only one he can ever be averſe to anſwer in words; I ſhould at any rate, ſay very little about it, ſpeaking to thoſe I have the honour to addreſs; I ſhall only, for the ſake of other officers, who may like me after years of ſervice be expoſed to ſuch attacks, make one obſervation upon the palpable abſurdity of them. I ſhould hardly think that man worthy of an anſwer who ſhould pretend to judge of another's mind from his complexion; but the witneſs founds his opinion upon reaſon, the order as he underſtands, was to move to the left, in obeying it, I ordered him to move forwards, I was therefore confuſed and alarmed. This movement he has certainly miſplaced. But had I ordered him to move to the left, as he thinks I ought what opinion would the five officers, who underſtood the order to mean going forwards, have been intitled to form upon that occaſion?

This

This at once ſhews not only the malice, but the weakneſs of ſuch evidence, and as I am certain my caſe will not be an encouragement to thoſe attacks hereafter, this is the laſt mention I ſhall ever make of them here.

I told the Court my defence conſiſted not in argument, but in eſtabliſhing a true ſtate of the facts, that I think I have already done, and I am at a loſs to conceive by what part of theſe facts, a general charge of diſobedience can be ſupported. I have tried to diveſt myſelf of every prejudice, and to diſcover, if I could, the ſtrongeſt caſe that could be made againſt me: I do not know any circumſtance in which, with the information I then had, I think upon reflection, I could have acted differently from what I did; with the information I have ſince received, I own I think I could have done much more ſervice, had I taken upon me to diſregard the orders of Col *Fitzroy*, and marched the cavalry upon my own idea towards the windmill: I ſhould then have fallen upon the flank of the enemy, and I make no doubt but the *Britiſh* cavalry would have ſhared with the infantry the glory of the day; and as miſtakes were then fortunate, the victory might thus have been rendered more brilliant and compleat.

It is a common charge againſt me, of which I ſhould have taken no notice here, if I had not found that it had ſome effect upon the minds of officers who have appeared upon this occaſion, that the cavalry by my fault did not engage the enemy.

That it did not engage the enemy is certain, but why it ſhould be at once determined, that it ought to have engaged the enemy, I own I cannot comprehend? Had the action of *Minden* been regulated according to the common courſe of events in war, had not Providence interpoſed in a particular manner in favour of his Majeſty's arms, in all probability every part of the army would have had ſome ſhare of the action; but is it not equally reaſonable to enquire,

why the greateſt part of the infantry never diſcharged a ſhot? The glory of that day was reſerved for the ſix brave regiments, who, it will ſcarcely be credited in future ages, by a ſingle attack, put forty battalions and ſixty ſquadrons to flight. But why, it may be ſaid, did not the cavalry of the right join in the purſuit; what purſuit was ever ordered? If that had ever been his Serene Highneſſes's intentions, the cavalry on the left were at hand, yet they were never ſent for, purſuit might neither have been ſafe, nor practicable, the enemy were ſoon driven within the ſhelter of the cannon of *Minden*, and the ground near the town was full of incloſures where the *Britiſh* infantry halted. I do not therefore preſume to blame his Serene Highneſs for not ordering a purſuit, I only beg not to be blamed for not purſuing, where purſuit never was intended. The queſtion upon my trial is not who deſerves to be cenſured, for the inaction of the *Britiſh* cavalry, no more than it is, who deſerves to be praiſed for the extraordinary intrepidity of the *Britiſh* infantry?

I have ſtated the facts ſo fully, that I will not enter into any obſervations on the particular matters of the preſent charge, I have ſhewn that in the firſt part of the day, I was not deficient in diligence or activity, that I made every preparation for executing Capt. *Winſchingrode*'s order that a few minutes would permit; that I inſtantly obeyed Capt. *Ligonier*; that upon Col. *Fitzroy*'s order, and the diſpute between Capt. *Ligonier* and him, I was juſtified in going to the Prince; the order I then received from his Serene Highneſs, did not determine either of theirs to be right; the Prince's orders I immediately put in execution.

The movements for that effect, I have already explained to the Court, and ſubmitted the propriety of them to their experience and judgment, only I flatter myſelf, that whatever opinion they ſhall entertain of my abilities, my ready obedience to the orders I did underſtand, my zeal for the ſervice in taking upon myſelf

myſelf to order up the *Britiſh* artillery, and my ſending to the Prince upon hearing that he was making a motion to the right with ſome infantry, to acquaint him that the cavalry as then poſted, would be of no ſervice, and to deſire to receive his commands, will juſtify the motives of my conduct, and ſhew that I was not wanting in my inclination to obey.

Theſe are the whole matters of the charge againſt me, for which I now ſtand at your bar, deprived of the rank I had the honour to hold amongſt the generals who ſit here, other officers before me, have ſuffered by miſrepreſentation in the opinion of their ſovereign, and of their country; my caſe is in this reſpect peculiar, that I was condemned upon inſinuations only.—If the implied cenſures of the orders of the ſecond of *Auguſt* were to ruin the character of officers, and deprive them of their employments and command, I ſhould not have been the only ſufferer that day.

My military employments were always at his majeſty's diſpoſal; as marks of his approbation of my endeavours to know and diſcharge my duty, I received them with the utmoſt ſatisfaction; but receiving them from his royal favour, I was always ready to reſign them to his Majeſty's pleaſure.—I now quit them without regret, ſince notwithſtanding I have been allowed an opportunity of juſtifying my conduct.—This was the only motive and purpoſe of my deſiring to ſtand a priſoner at this bar; under all the diſadvantage of the prejudices of the public then ſtrong againſt me; I ſhould not have aſked for a trial, but from the conſciouſneſs of my own innocence.—The reception my defence has found from the public, and the favourable alteration of opinions it has already produced, juſtify my confidence in the candour of my country.

Upon your judgment I have every reaſon to rely; what opinion you may form of my abilities as an officer, I do not preſume to ſay, that is an object now of little importance to me, and his Majeſty is the beſt judge of the merit of his officers; but I am perſuaded

that

that you will with pleaſure on this occaſion exerciſe the amiable part of your juriſdiction, and acquit me of the preſent charge of diſobedience.

Judge Adv. I ſhall now call ſome witneſſes to prove that Lord *G. Sackville* at the time of receiving Col. *Ligonier*'s order, was at the head of *Bland*'s, and to diſprove what has been mentioned, of his being at the head of the *Inniſkillings*.

I ſhould call Col. *Johnſton*, but he is ill, and not able to attend, ſo that the Court will be under a neceſſity of meeting again.

Evidence for the Crown in Reply.

Major Geo. Marriot *ſworn.*

Judge Adv. Did you command any, and what ſquadron of the *Inniſkilling* regiment on the day of the battle of *Minden?*

A. The left ſquadron of the *Inniſkilling* regiment.

Q. Did you ſee capt. *Ligonier* come when he brought any orders?

A. Yes.

Q. Did he paſs by your ſquadron, or how did he come?

A. I ſaw him at the diſtance of about fifty yards, coming towards the right ſquadron of the blues. As he was drawing nearer to my ſquadron, I advanced, and ſpoke to him; I aſked him what news from the front line? He anſwered, glorious, that the enemy were giving way, and that he was come to order up the *Britiſh* cavalry. He then went on towards *Bland*'s; I then rode up to Major *Hepburn*, who commanded the right ſquadron of the *Inniſkillings*, and told him the news Capt. *Ligonier* had told me, and ſaid I imagined we ſhould go to action immediately, and aſked him whether the men of my ſquadron might not throw away their picket-poles, and other things that might be a hindrance to them in the charge; he told me

me he would leave it to me to act as I thought beſt. I immediately returned to my ſquadron, and made the men throw away ſuch things, as I thought incumbered them.

Q. Had Lord *George Sackville* been at that time at the head of the right ſquadron of the *Inniſkillings*, do you apprehend you ſhould have ſeen him?

A. Moſt certainly.

Q. Did you ſee his Lordſhip at that time?

A. No, not juſt at that inſtant.

Q. Did you ſee Capt. *Ligonier* with Lord *George Sackville* at the head of the right ſquadron of the *Inniſkillings*, ſo as that you might apprehend he was delivering his Lordſhip's orders?

A. No.

Q. When you did ſee his Lordſhip, did you ſee Capt. *Ligonier* with him at the head of the *Inniſkillings*, delivering orders as you imagine?

A. No.

Witneſs diſcharged from any further attendance.

Major Hepburn *ſworn.*

Judge Adv. Did you command the *Inniſkilling* regiment of dragoons on the day of the battle of *Minden?*

A. Yes.

Q. At what ſquadron was your poſt?

A. At the right ſquadron.

Q. Did you ſee Capt. *Ligonier* deliver any orders to Lord *George Sackville* in the front, and towards the right of that ſquadron?

A. No.

Q. Had Capt. *Ligonier* delivered any orders to his Lordſhip there, do you think you ſhould have ſeen him?

A. That, I cannot ſay, as I was frequently in the front, and frequently in the rear of the ſquadron.

Q. Did

Q. Did you obſerve Capt. *Ligonier* paſs the ſquadron you was at the head of, either in going backwards, or forwards upon the ſuppoſed delivering of his orders?

A. I ſaw Capt. *Ligonier* coming from the right; but whether he had then delivered any orders or not, I cannot ſay.

Q. Did Major *Marriot* mention to you at any time his having ſeen Capt. *Ligonier?*

A. I do not at preſent recollect that he did.

Gen. Chelmondely. Did Major *Marriot* apply to you for an order about throwing the picket-poles, or other incumbrances away?

A. Yes, he did.

Q. Do you remember a little before that time, ſeeing Capt. *Ligonier* ride along?

A. The time I have already mentioned of my having ſeen Capt. *Ligonier* ride along, was a little before that.

Q. When Major *Marriot* applied to you about orders for throwing the picket-poles away, did any other, and what converſation paſſed between you.

A. I do not at preſent recollect any thing particular.

Q. When Major *Marriot* applied for leave to throw away his picket-poles, did he give any reaſon for deſiring it, or point out any neceſſity for it?

A. Yes, he did, which was, that it was imagined we were going on to charge immediately.

Q. Did he give any reaſon why he imagined you was going on to charge immediately?

A. I do not remember that he particularly did.

Judge Adv. If Lord *George Sackville* and Capt. *Ligonier* had been at the head, or towards the right of the right ſquadron of the *Inniſkillings* whilſt this diſcourſe between Major *Marriot* and you was paſſing, ſhould you from your ſituation have ſeen him?

A. I think I probably ſhould, unleſs they had been very far advanced in front.

Q. Did

Q. Did you ſee them?

A. No.

Gen. Cholmondely. Did you give the order for throwing away the picket-poles?

A. I do not recollect particularly the picket-poles, but I know the corn, and every other thing that was an incumbrance, was thrown away, and probably the picket-poles were.

Q. Did you give the order?

A. Yes.

Q. What induced you to give the order?

A. I have already ſaid, that I imagined we were going to charge.

Q. What did you ſee then, or what induced you to think that you was then going to charge?

A. Capt. *Ligonier* in paſſing by mentioned ſomething, but I did not hear diſtinctly, of the enemy's giving way, and that the cavalry was ſent for; ſomething to that purpoſe.

Q. To whom did he mention it?

A. To the officers paſſing along the front of the ſquadron, I think to Capt. *Whitmore.*

Q. Was Capt. *Ligonier* then going towards *Bland*'s?

A. I have already ſaid, that I only ſaw him coming from *Bland*'s.

Lord *Harrington.* When your ſquadron had orders to advance, did you hear Lord *George* himſelf give the order to march?

A. I do not recollect that I did.

Ld. *R. Bertie.* Who gave the order for your ſquadron to march?

A. I gave it myſelf for my own ſquadron, as I recollect, I cannot be poſitive.

L. G. *Sackville.* When your ſquadron made a movement forwards, was you in the front, or the rear of the ſquadron?

A. I cannot ſay I recollect, but as I ſaid before, I imagined I gave the word to march; I, in that caſe muſt have been in the front, but I am not certain.

Col. Ligonier *called in again.*

Judge Adv. As you was delivering your order to Lord *George Sackville*, or whilſt you was diſcourſing with his Lordſhip upon it, did Capt. *Smith* bring any meſſage to his Lordſhip from Col. *Sloper?*

A. I do not recollect to have ſeen Capt. *Smith* whilſt I was with Lord *George*.

Q. Do you apprehend that if he had come and interrupted you, whilſt you was ſpeaking, that you ſhould have recollected it?

A. I believe I ſhould.

Q. In order to refreſh your memory I would aſk you, did Capt. *Smith* deliver any meſſage to halt the line or ſtop the march, on account of its not being ready?

A. I do not recollect to have ſeen Capt. *Smith*.

Gen. Cholmondely. I do not know, whether it is right to aſk now. But I ſhould be glad to know, when you was coming with the orders that you was to deliver to Lord *George Sackville* from Prince *Ferdinand*, whether you came paſt any of the front of the *Blues?*

A. I came in upon the left, and rid in the front of both *Blues* and *Inniſkillings*.

Q. Did you ſpeak to any of the officers of the *Blues*, or any of the officers of the *Inniſkillings*, and who?

A. I do not recollect to have ſpoke to any officer of the *Blues*; but I remember to have ſpoke to Maj. *Marriot*, at the head of the *Inniſkillings*, as I paſſed by. I did not ſtop.

Q. As you paſſed the *Inniſkilling*, you ſpoke to him?

A. Yes.

L. *Harrington*. Did you take notice how far the cavalry advanced after you delivered your order to Lord *George Sackville?*

L. G. *Sackville.* Sir, I do not know, whether that queſtion is proper, it is not to the preſent point.

Judge Adv. If all the witneſſes were diſmiſſed, any member of the Court has a right to aſk them to any point.

Queſtion repeated.

A. I cannot poſſible ſay, between 10 and 20 paces. I think.

Gen. Cholmondely. Is there any thing, that you particularly obſerved, as you rode along the *Blues*, to make you remember, that you did ride along the *Blues?*

A. Col. *Johnſton* deſired I would ſtop.

Q. Where was Col. *Johnſton* at that time; at the head of which ſquadron?

A. I cannot poſſibly ſay, I cannot aſcertain the ſquadron.

The witneſs was diſcharged from any further attendance.

Cornet Herle *of* Bland's *dragoons ſworn.*

Judge Adv. Where was your poſt in Gen. *Bland*'s regiment of dragoons, when the cavalry was drawn up in two lines before they marched the 1ſt of *Auguſt?*

A. In the firſt ſquadron of Gen. *Bland*'s?

Q. Was that the ſquadron which Col. *Sloper* commanded?

A. Yes.

Q. Did you ſee Lord *George Sackville* at the head of that ſquadron at any time whilſt you was poſted there?

A. Yes.

Q. Pleaſe to inform the Court, whether you recollect Capt. *Ligonier*'s coming to Lord *George*, whilſt he was at the head of that ſquadron?

A. Yes, I do.

Q. Did you notice him coming from any particular circumſtance?

A. I remember the colour of his horſe and the ſeeming hurry that he came in, attracted my notice particularly.

Q. Pleaſe to mention the colour of the horſe?

A. It was a black horſe.

Q. Did you ſee Col. *Sloper* near Lord *George* at that time?

A. I did.

Q. Pleaſe to inform the Court, whether *Bland*'s regiment in marching towards the windmill ſtood ſtill whilſt the line advanced. I mean, whether the ſquadron you was in did?

A. I did not ſee any part of the line advance before *Bland*'s right ſquadron.

Q. When the line marched as above, do you recollect whether Lord *George Sackville* was at the head of the right ſquadron of *Bland*'s?

A. I do not recollect that.

Q. Do you recollect, when the ſquadron you was in threw away their picket-poles, whether they were halted, or in motion at that time?

A. They were in motion in front.

Q. Did you hear Capt. *Smith* give Col. *Sloper* any order from Lord *George Sackville* relative to the picket-poles?

A. I did not.

Q. If Capt. *Smith* had delivered any ſuch order to Col. *Sloper* ſhould you have heard him?

A. I was not ſo near Col. *Sloper* as to hear any order he might receive that day.

Q. Can you ſpeak as to Capt. *Smith*'s delivering any ſuch order at the time of your beginning to advance?

A. I do not remember ſeeing Capt. *Smith* at all.

Preſi. When Capt. *Ligonier* came to Lord *George* was you near enough to hear the order he brought?

A. No, I was not.

Q. *Gen.*

Gen. Cholmondely. When you ſaw Capt. *Ligonier* come up galloping, did he go directly up to Lord *George Sackville?*

A. Yes.

Q. Did you hear or perceive Lord *George Sackville* and Capt. *Ligonier* talking together?

A. I was not near enough to hear any thing that paſſed between Lord *George Sackville* and Capt. *Ligonier.*

Q. Did you ſee or perceive them talking?

A. I could not perceive them. It was impoſſible I could perceive them at the diſtance I was off.

Judge Advocate. How long did they remain together?

A. I cannot ſay how long they did remain together.

Judge Adv. I cannot be ready to-day to make remarks on the defence, but ſhall beg their indulgence till to-morrow, I ſhall trouble them with very few remarks.

Then the Court adjourned till to-morrow morning at 11 *of the clock.*

HORSE-

HORSE-GUARDS, *Thurſday, April* 3, 1760,

At a COURT-MARTIAL there held by Adjournment.

PRESENT,

Sir *Charles Howard*, Preſident, and the reſt of the Members, as yeſterday.

Twentieth Days Sitting on Lord *Geo. Sackville*'s Trial.

Lord *George Sackville* ordered into Court.

Evidence for the Crown in Reply continued.

Col. Johnſton *called in again.*

JUDGE Adv. Did you ſee Capt. *Ligonier* when he brought his orders to Lord *George Sackville* on the 1ſt of *Auguſt* laſt?

A Capt. *Ligonier* paſſed by me when I was at the head of the *Blues*, I called to him when he paſſed by me, deſired him to ſtop, being inquiſitive to know what his errand was; he did not ſtop, but paſſed on, he went on at a gallop.

Q. How far did you ſee him go on?

A. I ſaw him go to *Bland*'s dragoons.

Witneſs diſcharged from any further attendance.

Preſident. Lord *George Sackville*, have you any thing to offer before the Judge Advocate makes his reply?

L. *G. Sackville.* No.

Judge

Judge Advocate *reads the reply in ſubſtance as follows**.

I hope the Court will excuſe me, if any errors appear. I am ſure I have made none deſignedly.

My duty requires that I ſhould trouble the Court with a few obſervations upon the evidence. I ſhall be as ſhort as poſſible, ſeeing the great attention that has been paid to the evidence by the Court.

That I may be the more clearly underſtood, I ſhall lay out of the queſtion every collatoral matter, and confine myſelf to the object of the charge.

If I do not take up the time of the Court in pointing out the contradictions in the evidence produced by Lord *George Sackville*, it will not therefore be concluded that there are none.

There would have been more if I had not endeavoured to have the evidence explained by the witneſſes.

The mentioning of this leads me to conſider what Lord *Geoge Sackville* has ſaid of Col. *Ligonier*'s obſerving the confuſion of the enemy, though it appears by other evidence they were not engaged. He ſaw their confuſion, not when he left the Prince, but when he left the infantry.

As to the orders of the 30th and 31ſt of *July*, they are not mentioned by me, as having been diſobeyed, only to ſhew that the ground was not unknown to the Generals. Lord *George Sackville* has examined ſeveral witneſſes to prove they were complied with.

With regard to the circumſtance of his coming late to his poſt, from the proof of the cavalry being drawn up and waiting, a reaſonable foundation is ſhewn for this article in the charge; but ſince the order did not appear to have reached his Lordſhip, there is no reaſon to conclude, that he did not repair to his poſt as

* As this reply was only once read, the notes taken of it (which could not be corrected) may not be ſo exact as in other parts of the trial.

ſoon

ſoon as poſſible, therefore I ſhall lay this out of the caſe.

His Lordſhip ſays that no plan of action or general diſpoſitions were communicated to him, or the other Generals.

This remark ſeems to point out, that a ready and punctual obedience to any orders was the more neceſſary.

Firſt, as to Capt. *Winſchingrode*; it is incumbent on me to do juſtice to his character, and there is another witneſs whoſe credibility, as well as his veracity, has been ſtrongly attacked, I hope it will appear they are both eſtabliſhed. This witneſs, whoſe character has been treated in a manner that decency would ſcarce admit of, has ſtood the teſt of examination, and appears only to have ſatisfied the oath he had taken, without aggravation, but without reſerve.

If there was any warmth on the croſs-examination, his Lordſhip had before that threatned to expoſe him in ſuch colours—till he was ſtopt by the Court, not becauſe his warmth would have brought any thing from him more than the truth, for every part of his evidence is now corroborated.

The veracity of this witneſs (though with a view of deſtroying his whole teſtimony) was attacked only in one point, by proving that the orders were not delivered at the head of *Bland*'s, conſequently that he could not hear them.

This has been ſufficiently anſwered by other witneſſes, ſo that Col. *Sloper*'s evidence would not have fixed any ſtain upon his Lordſhip's defence.

His Lordſhip has been pleaſed in his defence to urge a matter with a view of diſcrediting Col. *Sloper*, that he had only introduced a ſtory out of doors that Capt. *Winſchingrode* ſpoke to Mr. *Hugo* in *German*, there is no proof of that.

His Lordſhip has ſaid, that Capt. *Winſchingrode* denied the repeating his orders. I do not find that in the evidence. — He has objected to Col. *Sloper* that he would

would not remember the names of any perſons preſent. Some of his own witneſſes had no better memories, Col. *Hotham*, Capt. *Hugo*, &c.

It has been aſked whether Col. *Sloper* ſpoke to him whilſt Capt. *Winſchingrode* was with him; none of the witneſſes heard him, and therefore his veracity is impeached.

His Lordſhip has endeavoured to raiſe an argument from what was offered by way of reply, to prove Col. *Sloper*'s declarations, that it only tended to ſhew a premeditated malice in him; if ſo, it will neceſſarily follow, that every perſon who has ſpoke of what paſſed, though ever ſo conſiſtent with the evidence he gives, will have it urged againſt his credibility. There is nothing extraordinary in it that a witneſs ſhould have frequent diſcourſes about facts; and indeed it furniſhes an opportunity to ſhew him inconſiſtent, if that can be done.

There is little probability of ſuch an intention, eſpecially as the diſcourſe was begun by Col. *Harvey*.

It is ſaid, Col. *Sloper* has aſſigned leſs time for the halt before Capt. *Winſchingrode*'s arrival. The expreſſion was juſt after the line was formed; but might not this be juſt after forming from the cavalry's advancing a little? Capt. *Smith* had alſo forgot that circumſtance.

It has been ſaid, that Col. *Sloper* mentioned to Col. *Ligonier* that Capt. *Winſchingrode* had delivered an order half an hour before; and upon recollection he ſays a quarter of an hour, that is no argument of unfairneſs.

As to his coming to ſupport what he had ſaid, I moſt heartily wiſh, that no witneſs had ever come into the Court with any other intent than to ſupport what he has declared, as far as it is true.

As to the circumſtance of his Lordſhip's not being at the head of *Bland*'s, it is now treated as a trivial matter. Has it not been aſked repeatedly, and endeavoured to be proved by circumſtances which could not err?

The evidence of it is now fully before the Court, Majors *Marriot* and *Hepburn*, and Cornet *Erle*.

Major *Hepburn* ſaw Capt. *Ligonier* come from the right, which from the account of all the witneſſes, muſt have been after he had delivered his orders. Mr. *Erle* ſaw him come up to the head of the ſquadron, and Col. *Sloper* was near him. The locality of delivering orders is immaterial, if it had not been thus contradicted.

It cannot be reconciled, one or the other muſt aſſert an untruth. I cannot ſay whom it will affect; but whoever it affects, there is an end of all credit as to that perſon's teſtimony.

Thoſe who ſpeak from judgment may be miſtaken; but as to facts, the miſtake muſt be wilful.

I ſhall only make one remark more in regard to Col. *Sloper*. He would not be actuated by any implied cenſure in the order of the 2d of *Auguſt*, becauſe he is ſhewn to have talked in the ſame language before theſe orders came out.

It is impoſſible the Prince's opinion could be grounded upon any report of Col. *Sloper*'s; becauſe when Col. *Fitzroy* returned to the Prince, he expreſſed his ſurprize in his looks, though his politeneſs prevailed when Lord *George Sackville* went to him, yet his actions ſhew what he thought, by his ſending an order immediately after to Lord *Granby*.

The caſe is by no means ſimilar between Lord *George Sackville* and the general he has named. In the one caſe, the general has not received perſonal thanks; in the other, the Prince has wiſhed, that he had had Lord *Granby* at the head of the right wing of cavalry.

There is clear proof of the enemy's having puſhed the infantry, and as to the impoſſibility of the cavalry's coming up in time, that being a circumſtance no way depending upon Lord *George Sackville*, cannot have the leaſt weight in excuſe, or his extenua-

tion

tion of his disobeying orders. That whole Matter is before the Court.

I come now again to the order brought by Capt. *Winschingrode*, the material part of the case.

I submit it to the Court, that Lord *George Sackville* is accountable for the whole time between the delivering this order, and the first march of the cavalry. I say the whole; because admitting that Capt. *Ligonier* and Col. *Fitzroy*'s coming, accounts for part, yet if this order had been obeyed, the cavalry would have been marched, and the other delay would not have happened.

As to time and distance witnesses will vary.

The orders are plain, Capt. *Winschingrode* has sworn them to be in substance, for the cavalry to advance to form a third line to sustain the infantry; that Lord *George Sackville* was to pass between the trees in the left, and then he would come upon the heath.

Lord *George Sackville* insists they were to form first.

There can be no difficulty in believing, that the contents of the order might have been transposed, that the forming the line might be mentioned first, which accounts for the manner in which his Lordship's witnesses understood it; but if no mention was made by Capt. *Winschingrode* of passing through the trees, then indeed little regard can be paid to such a witness.

Lord *Granby* not only understood it so, but it was actually in part carried into execution by Lord *Granby*.

If the order had been first to form a third line, it might be explained. Col. *Hotham* says more might have passed. Capt. *Bisset* says it was possible, but not probable. Now whether this is sufficient to set aside two positive witnesses, must be left to the Court.

There was no obstruction to obeying it but the train of artillery; what hindrance that might occasion must be left to those who are the proper judges. Capt. *Smith* says five minutes.

And as to the wood, his Lordſhip might have been informed of it by Capt. *Winſchingrode.*

As to the artillery I muſt obſerve, that Capt. *Winſchingrode*, *Ligonier*, *Fitzroy* and *Biſſet*, Lord *Granby*, and Col. *Pitt* all paſſed, and none of them ſpoke of falling in with the artillery, or of any obſtruction which might have been occaſioned thereby.

The circumſtance of ſending Capt. *Broome* to the front to reconnoitre, ſhews an intention of moving thither.

As to the *Saxe-Gotha* regiment, the Court will judge how far that was an impediment. If I am informed right, it might have been removed in two or three minutes. His Lordſhip remembers how trifling an obſtruction it was repreſented to be by his own witneſſes.

The obſtruction might have been removed, and proper information procured from Capt. *Winſchingrode*; whereas we find that Aid de Camp going off, and nothing done when he met Col. *Fitzroy.*

It appears to me in regard to the difficulty of the wood, and the knowing how open the ground was in front, if his Lordſhip had underſtood the order was not to march to the left, the firſt ſtep he ſhould have taken would have been to have marched with all expedition to ſuch place as the ground would admit of forming, and then form in one line.

It is material to obſerve the time between Capt. *Winſchingrode*'s going, and Capt. *Ligonier*'s coming; Capt. *Hugo* ſays it was ſeven or eight minutes.

Capt. *Lloyd* has given the ſame evidence. I am fully perſuaded it is ſo; I have not been able to turn to the evidence.

Capt. *Smith* ſays two minutes; Capt. *Winſchingrode* ſays he went full gallop till he met Col. *Fitzroy*; Col. *Sloper* ſays it was a quarter of an hour; Lord *Granby* ſays it was twenty minutes to *Winſchingrode*'s coming a ſecond time.

I muſt ſubmit to the court how much time it can be reaſonably ſuppoſed to have taken. It will appear

pear to be longer than was neceſſary for halting the train, or removing the *Saxe-Gotha* regiment.

It is impoſſible here not to take notice of the inſinuation of Lord *George Sackville*, that if from his haſty obeying the order brought by a perſon whoſe authority he did not know, any loſs had happened, he might have been accuſed for obeying it; for the haſty obedience of that order, the diſobedience of which is now a crime, Capt. *Winſchingrode* was reputed Aid de Camp to Prince *Ferdinand*, and that was ſufficient.

As to Capt. *Ligonier*'s order, he has expreſsly ſworn, and it is confirmed by Col. *Sloper*, that it was to the left that an order was given, and Capt. *Ligonier* ſaid to the left, my Lord, that the movement was to be to the left.

L. G. *Sackville* inſiſts that the words to the left is an addition of Col. *Sloper*'s. It is well known, that Capt. *Ligonier* ſaid they differed in numbers, but their deſtination was the ſame, that could not be contradicted.

Admitting that his Lordſhip underſtood them right, the moſt expeditious method ſhould have been directly taken.

Col. *Fitzroy* arrived, the firſt queſtion aſked was, whether they both ſet out at the ſame time? Suppoſe they did, this at leaſt ſhewed the importance of the ſervice. The obeying either the one or the other would have been preferable to an heſitation, and then obeying neither. The advancing with the *Britiſh* muſt have been better than none.

The greateſt part therefore, if not the whole of this delay, muſt be imputed to his Lordſhip.

Col. *Johnſon* ſays, it was 20 minutes, Mr. *Fitzroy* a quarter of an hour, Col. *Pitt* ſays, that beſides the halt on coming out of the wood, there was another upon the heath.

Capt. *Smith* makes the whole time, from the time of going to load his piſtols to the marching by Gen. *Moſtyn*, at 8 minutes.

I do not find any other account.

Upon

Upon the whole, it is not unreaſonable to fix it at a quarter of an hour.

Suppoſing that the whole of the time from the arrival of Capt. *Winſchingrode* to the arrival of Capt. *Ligonier*, and from that time to his Lordſhip's ſetting out to go to the Prince to be accounted for, yet time was loſt from their being marched by Gen. *Moſtyn*.

This his Lordſhip has not anſwered, he ſays 5 minutes is a trifling delay. What is done after coming upon the heath? Why delay the march after receiving the order from the Prince?

This, as his Lordſhip obſerves, is matter of judgment—The Court will exerciſe their diſcretion, and will examine how far the diſcretion veſted in a commander in chief is properly exerciſed, and how far orders are diſobeyed.

The cavalry officers ſay the movement was ſlow. Col. *Pitt* ſays he thinks they might have gone faſter without diſorder. Lord *Granby* mentioned that he was vexed and diſpleaſed at Lord *George Sackville's* manœuvres.

Capt. *Smith* ſays, he met his Lordſhip in the front of many ſquadrons in full trot.

One halt, upon which ſtreſs was laid in the ſupport of the charge, is after the order brought to Lord *Granby* to march, and the communicating that order to Lord *George Sackville*.

His Lordſhip ſays, he is to judge of the method of their marching.

His Lordſhip takes that upon himſelf at his peril; if there was any halt after that order, it will weigh greatly in the opinion of the Court.

Many other circumſtances have been mentioned well deſerving of an anſwer; but I have taken up ſo much time already, that I ſhall not enter into any more. Every officer upon the Court Martial will judge, and I leave the matter to them.

If any order appears not to have been obeyed with all the expedition it required, or if any blameable de-

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lay is made in the march, whether by halting Lord *Granby*, when he was acting under the Prince's immediate orders, or otherwiſe. Then the Court will be under a neceſſity of finding his Lordſhip guilty, and will have regard to the degree of the offence.

On the other hand, if his Lordſhip has obeyed all the orders, and has made no delays in the march, he will be intitled to that acquittal, which every member of this Court will in that caſe moſt chearfully pronounce.

L. *George Sackville.* Sir, may I ſay a word in regard to what the Judge Advocate has now inſiſted on?

Sir *Charles Howard.* I aſked your Lordſhip before, I do not think it is uſual for the priſoner to ſay any thing after the reply.

L. *G. Sackville.* I thought the Court would have let me in to have ſaid a few words, eſpecially as I underſtood it had been formerly agreed to after the reply.

Preſi. I believe your Lordſhip miſtakes what the Court then agreed to.

Gen. *Cholmondely.* I really did underſtand, that there had been ſuch a promiſe, if my Lord enters too particularly into it, the Court may then ſtop him.

A Member then objected to it, and it was agreed, that Lord *George Sackville* ſhould confine himſelf to obſervations on the reply.

L. *G. Sackville.* In regard to my entering largely into the matter, it is impoſſible from the nature of the thing.

I have prepared 2 or 3 notes in regard to the circumſtance of my being or not being at the right of *Bland*'s. I did not know it was cuſtomary for the Judge Advocate to make a reply in the manner this is done.

As to the evidence in reply to confirm Col. *Sloper*'s teſtimony, I ſhall make a few obſervations upon that.

His

His Lordſhip reads the remarks.

I ſhall now ſay a few words with regard to the evidence, in reply brought to confirm Col. *Sloper*'s teſtimony, that I was at the right of *Bland*'s regiment, when Capt. *Ligonier* delivered his order to me. It is difficult, as I have already obſerved, to fix with preciſion at what particular part of a line a General officer may have ſtood while he received an order, tho' it is eaſy to aſcertain, whether he was at the extremity of it, or not. The witneſſes in defence have not attempted to be poſitive as to the particular ſpot where I was, but only, that I was not at the right of *Bland*'s. The extremity of the whole line, Col. *Hotham*, Lieut. *Biſſet*, Capt. *Lloyd*, and Lieut. *Sutherland*, who were all preſent with me, and heard the order delivered, think to the beſt of their recollection, I was ſomewhere about the right of the *Inniſkillings*, or as Col. *Hotham* ſays, the left of *Bland*'s, but not on the right of *Bland*'s. Lieut. *Biſſet* recollects it from this circumſtance, that he does not remember at that time the hedges that were on the right of the line. Lieut. *Sutherland* is poſitive that I was not on the right of *Bland*'s, becauſe he called for Capt. *Ligonier* upon the halt that Col. *Fitzroy*'s order occaſioned, and remembers, that he ſaw him come from the cavalry on the right, which was *Bland*'s. Capt. *Smith*, who was then ſtanding himſelf at the right ſquadron of *Bland*'s with Col. *Sloper*, ſaw Capt. *Ligonier* come up to me, as well as he can recollect, about the right of the *Inniſkillings*, for he imagines, that when I gave the word, march, I directed my voice to that regiment; and he relates the circumſtance which fixed it in his memory, that Col. *Sloper* ſaid, his men had not thrown away their picket-poles, and deſired him to go and beg that I would wait a minute till they had done it.

Againſt this evidence there was only the teſtimony of Capt. *Ligonier*, who ſaid, he delivered his orders to me at the head of *Bland*'s; but coming in a hurry and leaving me ſoon, he might very eaſily have miſtaken the place; and Col. *Sloper*, who ſaid his poſt was there, and he heard the orders delivered; but the orders, which he relates, are proved by all the other witneſſes, and by Capt. *Ligonier*, to have been different from the orders delivered. This is not the only objection to Col. *Sloper*'s evidence in this reſpect, tho' it is a ſtrong one; but he ſwears ſo differently from every other witneſs in another circumſtance, that if the proſecutor inſiſts ſtill upon ſupporting his credit, he muſt, of neceſſity admit, that his memory is extremely confuſed with regard to Capt. *Ligonier*'s order.

All the witneſſes agree that after the cavalry had moved forwards a little way from where Capt. *Malorti* halted them, to a more extenſive ground, they made no other movements till Capt. *Ligonier* arrived, and then immediately upon the order they drew their words and advanced. Col. *Sloper* has not only introduced a movement between Capt. *Winſchingrode*'s departure, and Capt. *Ligonier*'s arrival, of which no other witneſs but himſelf makes any mention: but he totally omits the movement made upon Capt. *Ligonier*'s arrival, and ſays poſitively in another part of his depoſition, that the cavalry did not move till twenty minutes after I left them to go to the Prince.

Now ſhould it be ſuppoſed for a moment that in theſe particulars Col. *Sloper* has not wilfully miſtated every circumſtance, what is the conſequence? That he was in ſo much confuſion with regard to Capt. *Ligonier*'s order, that every thing which is ſaid of him in that occaſion may be true, and that his account of it cannot be relied on.

Capt. *Ligonier* has been examined again. He was aſked if he remembers ſeeing Col. *Sloper* when he de-

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livered his order to me. He had before ſaid that immediately upon his order without anſwering him, gave the word to march to the troops, which they did. He has now ſaid not that he ſaw Col. *Sloper* when he delivered his order, but that after Col. *Fitzroy* delivered his order he ſaw and ſpoke with Col. *Sloper* and in his firſt examination, he ſays that he did not hear what paſt between Col. *Fitzroy* and me, being at ſome diſtance with Col. *Sloper*.

It appears now therefore that Capt. *Ligonier* did not ſpeak with Col. *Sloper* immediately after delivering his order, as this laſt witneſs repreſented it, but after the troops had advanced, and were even halted upon Col. *Fitzroy*'s coming up—which is not inconſiſtent with Capt. *Smith*'s evidence, for the circumſtance of Col. *Sloper*'s deſiring me to ſtop till his men had thrown away their picket-poles, muſt have happened before this—and it alſo appears that when Capt. *Ligonier* ſpoke with Col. *Sloper*, he was at ſome diſtance from me. It is no contradiction to Capt. *Smith*, that Capt. *Ligonier* does not remember to have ſeen or heard him deliver his meſſage to me; that is eaſily accounted for by the general hurry when a march is begun; and Capt. *Smith* ſays, Capt. *Ligonier* might poſſibly not hear him as the drums were then beating.

Two officers of the *Inniſkillings* have been examined to ſhew that I was not at the right ſquadron of the *Inniſkillings* when the order was delivered. Neither of them ſaw or heard Capt. *Ligonier* deliver his order, and unleſs they had, they could in no degree contradict the evidence of thoſe who were preſent when it was delivered. Maj. *Marriot* ſays, Capt. *Ligonier* told him he brought orders for the *Britiſh* cavalry to advance; and Maj. *Hepburne* who commanded the right ſquadron of the *Inniſkillings* ſays "That as he was frequently in the rear, he cannot ſay "that if Capt. *Ligonier* had delivered his orders to me

" in the front, he thinks he ſhould have ſeen him." Both theſe officers too have a very imperfect memory of the circumſtances they ſpeak to. They both ſeem to place the cavalry's advancing *after* Capt. *Ligonier*'s return from delivering his order; whereas it is agreed that immediately upon the order the troops advanced, and after that Capt. *Ligonier* went to the right to Col. *Sloper* before he could return towards the *Inniſkillings*.

An officer of the right ſquadron of *Bland*'s was likewiſe called, and he proves very little. He ſays, that ſoon after we halted, I was at the head of *Bland*'s, and that I was there alſo when Capt. *Ligonier* came up; but then he ſays that he cannot recollect where I was when the ſquadron advanced.—Now it is certain from Capt. *Ligonier*'s evidence that I advanced immediately, and from the ſame place where he delivered the order; and this together with what he ſays that he was at too great a diſtance to perceive Capt. *Ligonier* and me talk together, ſhews the very imperfect recollection the witneſs has of this circumſtance. In regard to Capt. *Smith*, this witneſs confirms his evidence in one reſpect; he proves that the ſquadron had not thrown away their picket-poles before it began to move. He ſays indeed they did it while they were moving; but Capt. *Smith* does not ſay that he ſaw them halt, only that he heard the word given to halt, and after that he left them.

Col. *Johnſton* proves nothing but that he ſaw Capt. *Ligonier* paſs along the front of the *Blues*; but he did not ſee him deliver his order. The former evidence then on this article ſeems to me rather weakened by this unſucceſsful attempt to ſtrengthen it.

The 3 officers, who did not ſee Capt. *Ligonier* deliver his orders, I may venture to lay aſide entirely. Capt. *Ligonier*'s ſecond examination, as I have already ſhewn, has weakened his evidence. If Col. *Sloper* is to be believed, Capt. *Ligonier* and every other witneſs is

wrong, ſo that the whole proof that I was at the head of *Bland*'s, reſts upon Cornet *Herle*, whoſe memory is plainly very indiſtinct; and it is proved that I was not by Col. *Hotham*, Capt. *Lloyd*, Lieut. *Biſſet*, Lieut. *Sutherland*, and Capt. *Smith*. I would not have given the Court any trouble about this from a regard to my own cauſe, which cannot be in the leaſt affected by it; but as I have ſhewn an anxiety to remove the ſeeming contradiction of the witneſſes againſt me, who have behaved with candour, I could not pay leſs attention to the witneſſes in my behalf.

If I had been permitted to go into the reply at large, I ſhould have offered ſomething in anſwer to it. The Judge Advocate has gone through the caſe particularly; it has been done accurately, very much like a man acting in the capacity of a proſecutor, who has taken proper advantages of the evidence that has been given; I do not ſay improper.

If he had ſummed up as Judge, he would have remarked upon the evidence on both ſides equally. As proſecutor for the Crown, I cannot ſay but he has taken all proper advantages.

All my comfort is, that he has ſummed up as proſecutor for the crown, not as judge. It is laid before general officers as judge and jury, that is my confidence; they will not take the ſumming up on his ſide without that on mine; it is not looked upon as the ſumming up of a judge; but here it is ſummed up on one ſide by me, on the other ſide by the proſecutor. I wiſh in this caſe I had the ability of the proſecutor in ſumming up evidence, or could have obtained aſſiſtance equal to his; that is my misfortune.

The only thing I was ſurprized at was the concluſion; as to the diſcretion of a general officer, and what ſhould be diſobedience of orders, and what ſhould be matter of judgment.

I never offended againſt the rules of any Court; I think there are ſeveral things there ſaid, that I could have anſwered off-hand without any preparation; I could have given ſuch anſwers, as I hope would have been to the ſatisfaction of the Court. If the time is paſt, then I ſhall ſay nothing to this point; only I muſt ſay this in juſtice to my own witneſſes who have been brought here by me, if there are contradictions in the evidence, that imputation muſt fall ſome where; let it fall where it ought; let thoſe who have ſworn falſely feel it in their breaſts; let them remember they have ſworn wrong; let them feel the effects of it; this is puniſhment. A guilty and a diſturbed conſcience will inflict that puniſhment without any other reſort; let it light where it is due; let them examine their hearts, whether they have given their evidence as they ought; let them, if they can, ſpend their lives without being puniſhed.

As to my witneſſes, I have only this to ſay; it appears at leaſt that they can have no temptation to ſay what is not true; they ſtand up in an unfaſhionable cauſe, and I may as yet ſay in defence of an injured man.

Till the Court has ſaid I am guilty, I ſtand here with a conſcience innocent, aſſerting that innocence, which bears teſtimony for me.

My witneſſes cannot ſay what they have ſaid, without being convinced that it is truth, and ſaid in ſupport of innocence. They can have no motive of intereſt. What motives of intereſt can there be on the ſide of one who is a priſoner, who has been in great employments? perhaps unworthily; employments, which had I continued in power, might have procured good will, at leaſt the appearance of it. At preſent they can have no temptation, but the force of truth, and by their appearing in that cauſe, and on theſe motives, they deſerve as great a degree of credi-

bility,

bility, as any witneſs at any bar. In juſtice to them, I have troubled the Court thus far. I ſhall trouble them no longer, but expreſs my acknowledgments, not only for their patience in hearing me, but for the many inſtances of their indulgence. I can expect no better ſecurity for my cauſe, than their uninfluenced determination; I have mentioned already that I have the ſecurity of their oath, I have a ſtronger ſtill, their honour, upon that I rely. If I am guilty, let me be declared ſo: if I am not guilty, let the Court ſhew by their ſentence that they will with pleaſure protect the innocent.

The Sentence is in the Words following.

THE Court, upon due Conſideration of the whole Matter before them, is of Opinion, That Lord *George Sackville* is guilty of having diſobeyed the Orders of Prince *Ferdinand* of *Brunſwick*, whom he was by his Commiſſion and Inſtructions directed to obey, as Commander in Chief, according to the Rules of War: And it is the farther Opinion of this Court, that the ſaid Lord *George Sackville* is, and he is hereby adjudged, unfit to ſerve His Majeſty in any Military Capacity whatever.

FINIS.

PLAN of the BATTLE of MINDEN.

Stiftsberg
Ventenberg
Spahrenberg
Gohfeld
Wehra R.
Rehme
Eidingsen
Weser R.
Dame
Todtbusch
Erdingsen
Wulferdingsen
Volmerdingsen
WESTER HOLTZ
Hauptberg
Veltheim
Bergkerken
Berchusen
Uphausen
Hevenstadt
Dützen
Hahlerthamen
Eikhorst
Hunnerdorf
Bastau R.
TORFF MOOR OR MINDEN MARSH
MINDEN
Halen
Harpten
Tudhamer
Angler Ohnte
Plate
PLAINS OF MINDEN
Hille
Nordtamer
Neuhn
French Army
MINDEN HEATH
Red House
Holtzhausen
Kotenhausen
July 29.
Schn
Prince Ferdinands Army July 31.
Miles
1
2
3
Wangenheims Corps July 16.


ndPlate
Victory gained
Line of Infantry
Cavalry of the Right Wing
Red House


hird Plate
Same Position
as Plate 2
Line of Infantry
Cavalry of the
Right Wing


Fourth Hate
PLAINS OF
MINDEN
HEATH
Neteln
Cavalry of the Left Wing